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PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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PART II:

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REMINDERS

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

page no. and date

SEC—"Single credit rule" in stock option and stock purchase plans..... 26905, 9-27-73

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The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month. In the last issue of the month the cumulative list will appear at the end of the issue.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1973, and specifies how they are affected.

Rules and Regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Private Secretary to the Assistant to the Secretary and Deputy Secretary of Defense for Resource Utilization is excepted under Schedule C.

Effective on October 29, 1973, § 213.-3306(a) (55) is added as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(55) One Private Secretary to the Assistant to the Secretary and Deputy Secretary of Defense for Resource Utilization.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–22948 Filed 10–26–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to reflect the following title changes: from two Confidential Assistants to the Director, Bureau of Domestic Commerce, to two Confidential Assistants to the Director, Bureau of Competitive Assessment and Business Policy.

Effective on October 29, 1973, § 213.3314 (m) (10) is amended as set out below.

§ 213.3314 Department of Commerce

* * * * *

(m) *Office of the Assistant Secretary for Domestic and International Business.* * * *

(10) Two Confidential Assistants to the Director, Bureau of Competitive Assessment and Business Policy.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–22845 Filed 10–26–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Private Secretary to the Deputy Under Secretary for Legislative Affairs is excepted under Schedule C.

Effective on October 29, 1973, § 213.-3314(a) (30) is added as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* * * *

(30) One Private Secretary to the Deputy Under Secretary for Legislative Affairs.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–22947 Filed 10–26–73;8:45 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to reflect the following title change: from one Information Assistant to the Director, Office of Public Affairs, to one Information Assistant to the Administrator.

Effective on October 29, 1973, § 213.-3318(a) (41) is added and § 213.3318(c) (1) is revoked as set out below.

§ 213.3318 Environmental Protection Agency.

(a) *Office of the Administrator.* * * *

(41) One Information Assistant to the Administrator.

* * * * *

(c) *Office of Public Affairs.* * * *

(1) [Revoked]

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–22949 Filed 10–26–73;8:45 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that one position of Special Assistant to the Administrator is excepted under Schedule C.

Effective on October 29, 1973, § 213.-3318(a) (1) is amended as set out below.

§ 213.3318 Environmental Protection Agency.

(a) *Office of the Administrator.* (1) Five Special Assistants to the Administrator.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–22950 Filed 10–26–73;8:45 am]

Title 7—Department of Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 900—GENERAL REGULATIONS

Amendments to Rules of Practice

On August 19, 1972, the Civil Service Commission published in the FEDERAL REGISTER (37 FR 16787) a rule changing the title of hearing examiner, as used in 5 CFR Part 930, Subpart B, to administrative law judge. By designation to the Office of Administrative Law Judges dated December 20, 1972 (37 FR 28475), as amended April 27, 1973 (38 FR 10795), the Secretary of Agriculture has provided for the issuance by the administrative law judges of initial decisions in adjudication proceedings subject to sections 556 and 557 of Title 5, United States Code, such decisions to become final without further proceedings unless there is an appeal to the Secretary by a party to the proceeding in accordance with applicable rules of practice: *Provided, however,* That no decision shall be final for purposes of judicial review except a final decision of the Secretary upon appeal. To incorporate these and other technical changes in the Rules of Practice (7 CFR Part 900) under the Agricultural Marketing Agreement Act of 1937, as amended; (7 U.S.C. 601 et seq.), and pursuant to the authority contained in section 10, 48 Stat. 37, as amended; 7 U.S.C. 610, and section 5, 49 Stat. 753 as amended, 7 U.S.C. 608c, said Rules of Practice are hereby amended as follows:

Subpart—Rules of Practice and Procedure Governing Proceedings To Formulate Marketing Agreements and Marketing Orders (7 U.S.C. 900.1–18)

1. In § 900.2 paragraph (m) deleted and paragraph (d) is revised to read as follows:

§ 900.2 Definitions.

* * * * *

(d) The terms Administrative Law Judge or Judge means any administrative law judge appointed pursuant to 5 U.S.C. 3105, and assigned to conduct the proceeding.

* * * * *

2. In the following sections the words "examiner(s)" and "presiding officer(s)" are deleted and in lieu thereof the words "judge(s)" are substituted:

Sec.
900.4 Institution of proceeding.
900.6 Presiding officers.
900.7 Motions and requests.
900.8 Conduct of hearing.
900.9 Oral and written arguments.
900.10 Certification of the transcript.
900.15 Filing; extensions of time; effective date of filing; and computation of time.
900.18 Hearing before Secretary.

Subpart—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From Marketing Orders (7 CFR 900.50–71)

1. Section 900.51 is amended as follows: Paragraph (d) is revised, paragraph (n) is revoked and reserved and paragraph (o) is revised.

§ 900.51 Definitions.

* * * * *

(d) The terms "administrative law judge" or "judge" means any Administrative Law Judge, appointed pursuant to 5 U.S.C. 3105, and assigned to the proceeding involved;

* * * * *

(n) [Reserved]

(o) The term "decision" means the judge's initial decision in proceedings subject to 5 U.S.C. 556 and 557, and includes the judge's (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion as well as the reasons or basis thereof, (2) order, and (3) rules on findings, conclusions and orders submitted by the parties;

* * * * *

2. In § 900.52, paragraph (b)(1), delete the words "and directors" in the second sentence and revise paragraph (c) to read as follows:

§ 900.52 Institution of proceeding.

* * * * *

(c) *Motion to dismiss petition.*—(1) *Filing, contents, and responses thereto.* If the Administrator is of the opinion that the petition, or any portion thereof, does not substantially comply, in form or content, with the act or with the requirements of paragraph (b) of this section, or is not filed in good faith, or is filed for purposes of delay, he may, within thirty days after the filing of the petition, file with the Hearing Clerk a motion to dismiss the petition, or any portion thereof, on one or more of the grounds stated in this paragraph. Such motion shall specify the grounds of objection to the petition and if based, in whole or in part, on an allegations of fact not appearing on the face of the petition, shall be accompanied by appropriate affidavits or documentary evidence subsantiating such allegations of fact. The motion may be accompanied by a memorandum of law. Upon receipt of such motion, the Hearing Clerk shall cause a copy thereof to be served upon the petitioner, together with a notice stating that all papers to be submitted in opposition to such motion including any memorandum of law, must be filed by the petitioner with the hearing clerk not later than 20 days after the service of such notice upon the petitioner. Upon the expiration of the time specified in such notice, or upon receipt of such papers from the petitioner, the hearing clerk shall transmit all papers which have been filed in connection with the motion to the Judge for his consideration.

(2) *Decision by Administrative Law Judge.* The Judge, after due consideration, shall render a decision upon the motion stating the reasons for his action. Such decision shall be in the form of an order and shall be filed with the hearing clerk who shall cause a copy thereof to be served upon the petitioner and a copy thereof to be transmitted to the Administrator. Any such order shall be final unless appealed pursuant to § 900.65: *Provided,* That within 20 days following the service upon the petitioner of a copy of the order of the Judge dismissing the petition, or any portion thereof, on the ground that it does not substantially comply in form and content with the act or with paragraph (b) of this section, the petitioner shall be permitted to file an amended petition.

(3) *Oral argument.* Unless a written application for oral argument is filed by a party with the hearing clerk not later than the time fixed for filing papers in opposition to the motion, it shall be considered that the party does not desire oral argument. The granting of a request to make oral argument shall rest in the discretion of the Judge.

§ 900.52a [Amended]

4. In § 900.52a the words "an application" and "Secretary" are deleted and in lieu thereof the words "a motion" and "administrative law Judge" are substituted.

§ 900.53 [Amended]

5. In § 900.53, the words "presiding officer" and "Secretary are deleted and the word "judge" is substituted in lieu thereof.

6. In the following sections the words "presiding officer(s)," "reports(s)" and "exception(s)" are deleted and in lieu thereof the words "judge(s)" "decision(s)" and "appeal(s)" are respectively substituted:

Sec.
900.52b Amended pleadings.
900.55 Presiding officers.
900.56 Consolidated hearings.
900.57 Intervention.
900.58 Prehearing conferences.
900.59 Motions and requests.
900.61 Depositions.
900.62 Subpoenas.
900.69 Filing; service; extensions of time; effective date of filing and computation of time.
900.71 Hearing before Secretary.

§ 900.59 [Amended]

7. Section 900.59, paragraph (b) is further revised by deleting the words prior to the transmittal of this record to the Secretary, as provided in this subpart,".

§ 900.60 [Amended]

8. Section 900.60 is amended as follows:

a. The words "presiding officer(s)" wherever those terms appear, are deleted and in lieu thereof, substitute the words "judge(s)".

b. Paragraph (d)(8) is further amended by inserting the words "on appeal" after the word "if" in the last sentence.

c. Paragraph (f)(1) is amended by deleting the words "in the Department, a copy of" after the word "status."

9. Section 900.60 is further amended as follows:

§ 900.60 Oral hearing before administrative law judge.

* * * * *

(b) *Appearances.* * * *

(3) *Failure to appear.* If the petitioner, after being duly notified, fails to appear at the hearing, he shall be deemed to have authorized the dismissal of the proceeding, without further procedure, and with or without prejudice as the judge may determine. In the event that the petitioner appears at the hearing and no representative of the Department appears, the judge shall proceed ex parte to hear the evidence of the petitioner. *Provided,* That failure on the part of such representative of the Department to appear at a hearing shall not be deemed to be waiver of the Department's right to file suggested findings of fact, conclusions and order; to be served with a copy of the judge's initial decision and to appeal to the Secretary with respect thereto.

(c) * * *

(d) *Evidence.*

* * * * *

(2) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination, or any other ruling of the judge, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow which may be pursued in an appeal pursuant to § 900.65 by the party adversely affected by the judge's ruling.

* * * * *

(e) [Reserved]

9. Section 900.64 is amended as follows:

a. The words "presiding officer" are deleted where they appear in paragraph (b) and in lieu thereof substitute the word "judge".

b. Section 900.64 is further amended to read as follows:

§ 900.64 The Administrative Law Judge's Decision.

(a) *Corrections to and certification of transcript.*—(1) At such time as the judge may specify, but not later than the time fixed for filing proposed findings of fact, conclusions and order, or briefs, as the case may be, the parties may file with the judge proposed corrections to the transcript. (2) As soon as practicable after the filing of proposed findings of fact, conclusions and order, or briefs, as the case may be, the judge shall file with the hearing clerk his certificate indicating any corrections to be made in the transcript, and stating that, to the best of his knowledge and belief, the transcript, as corrected, is a true, correct, and complete transcript of the testimony given at the hearing, and that the exhibits are all the exhibits properly a part of the hearing record. The original of such certificate shall be attached to the original transcript and a copy of such certificate shall be served upon each of the parties by the hearing clerk who shall also enter onto the transcript (without obscuring the text) any correction noted in the certification.

* * * * *

(c) *Administrative Law Judge's Decision.*—The judge, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare upon the basis of the record, and shall file with the hearing clerk, his initial decision, a copy of which shall be served by the hearing clerk, upon each of the parties. Such decision shall become final without further proceedings 35 days after the date of service thereof, unless there is an appeal to the Secretary by a party to the proceeding: *Provided, however,* That no decision shall be final for the purpose of judicial review except a final decision issued by the Secretary pursuant to an appeal by a party to the proceeding.

(d) [Deleted]

(e) [Deleted]

10. Section 900.65 is revised to read as follows:

§ 900.65 Appeals to Secretary: transmittal of record.

(a) *Filing of appeal.* Any party who disagrees with a judge's decision or any part thereof, may appeal the decision to the Secretary by transmitting an appeal petition to the hearing clerk within 30 days after service of said decision upon said party. Each issue set forth in the appeal, and the arguments thereon, shall be separately numbered; shall be plainly and concisely stated; and shall contain detailed citations of the record, statutes, regulations and authorities being relied upon in support thereof. The appeal petition shall be served upon the other party to the proceeding by the hearing clerk.

(b) *Argument before Secretary.*—(1) *Oral argument.* A party bringing an appeal may request within the prescribed time period for filing such appeal, an opportunity for oral argument before the Secretary. Failure to make such request in writing, within the prescribed time period, shall be deemed a waiver of oral argument. The Secretary, in his discretion, may grant, refuse or limit any request for oral argument on appeal.

(2) *Scope of argument.* Argument to be heard on appeal, whether oral or in a written brief, shall be limited to the issues raised by the appeal, except that if the Secretary determines that additional issues should be argued, the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate arguments on all the issues to be argued.

(c) *Response.* Within 20 days after service of an appeal brought by a party to the proceeding, any other party may file a response in support of or in opposition to such appeal.

(d) *Transmittal of record.* Whenever an appeal is filed by a party to the proceeding, the hearing clerk shall transmit to the Secretary the record of the proceeding. Such record shall include: the pleadings; any motions and requests filed, and the rulings thereon; the transcript of the testimony taken at the hearing, as well as the exhibits filed in connection therewith; any statements filed under the shortened procedure; any documents or papers filed in connection with prehearing conferences; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the hearing; the judge's initial decision; and the appeal petition; briefs in support thereof, and responses thereto as may have been filed in the proceeding.

11. Section 900.66 is revised to read as follows:

§ 900.66 Consideration of appeal by the Secretary and issuance of final order.

As soon as practicable after the receipt of the record from the hearing clerk, or, in case oral argument was had, as soon as practicable thereafter, the Secretary, upon the basis of and after due consideration of the record, shall rule on the appeal. If the Secretary decides that no change or modification of the judge's decision is warranted, he may adopt the Judge's decision as the final order of the Secretary, preserving any right of the party bringing the appeal to seek judicial review of such decision in the proper forum. At no stage of the proceeding between its institution and the issuance of the order shall the Secretary discuss ex parte the merits of the proceeding with any person who is connected with the proceeding in an advocative or an investigative capacity, or with any representative of such person: *Provided, however,* That the Secretary may discuss the merits of the proceeding with such a person if all parties to the proceeding, or their representatives, have been given an opportunity to be present. If, notwithstanding the foregoing provisions of this section, a memorandum or other communication from any party, or from any person acting on behalf of any party, which relates to the merits of the proceeding, receives the personal attention of the Secretary (or, if an official other than the Secretary is to issue the order, then of such other official) during the pendency of the proceeding, such memorandum or communication shall be regarded as argument made in the proceeding and shall be filed with the hearing clerk, who shall serve a copy thereof upon the opposite party to file a reply thereto.

(b) *Issuance of final order.* A final order issued by the Secretary shall be filed with the hearing clerk, who shall serve it upon the parties: *Provided,* That, if the terms of the order differ substantially from those proposed in the decision of the judge, the Secretary shall, if he deems it advisable to do so, direct that a copy of the order be served upon the parties as a tentative order; and, in such event, opportunity shall be given the parties to file exceptions thereto and written arguments or briefs in support of such exceptions. In such case, if exceptions are filed within a period of time (to be fixed by the Secretary but not to exceed 20 days) following the service of the tentative order, the Secretary shall give consideration, to and shall make such changes in the tentative order as he deems to be appropriate; otherwise, the tentative order shall become final, as of the day following the date of expiration of the period fixed for the filing of exceptions.

§ 900.67 [Reserved]

12. Section 900.67 is deleted and reserved.

Effective date. The foregoing amendments and revisions shall become effection on October 29, 1973.

(Sec. 10, 48 Stat. 37, as amended; 7 U.S.C. 610 and Sec. 5, 49 Stat. 753 As Amended; 7 U.S.C. 608c.)

J. PHIL CAMPBELL,
Under Secretary.

OCTOBER 24, 1973.

[FR Doc.73-22966 Filed 10-26-73;8:45 am]

PART 929—HANDLING OF CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Order Amending the Amended Order Regulating Handling

§ 929.0 Findings and determination.

The findings and determinations hereinafter set forth are supplementary and

in addition to the findings and determinations made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.*—Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Wareham, Massachusetts, on February 14, in Wisconsin Rapids, Wisconsin, on February 22, and in Long Beach, Washington, on February 27, 1973, upon proposed amendment of the amended marketing agreement and Order No. 929 (7 CFR Part 929) regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. Upon the basis of the evidence adduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and condition thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of cranberries grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amends, is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production areas would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of cranberries grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of cranberries grown in the production area, as defined in the order, as amended and as hereby further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found, on the basis hereinafter indicated, that good cause exists for making the provisions of this amendment effective not later than November 1, 1973; and that it would be contrary to the public interest to postpone the effective time of such provisions until 30 days after publication (5 U.S.C. 553). This amendment includes certain provisions making available to handlers this season, pursuant to said effective date, liberalized requirements as to reporting of interhandler transfers. The amendment also affords the Cranberry Marketing Committee a timely opportunity to promulgate administrative rules and regulations setting late-payment and interest charges as incentives, to handlers, to make timely payment of assessments due.

The provisions of the order are well known to handlers of cranberries since the public hearing thereon was completed on February 27, 1973, and the recommended decision and the final decision were published on May 31, 1973 (38 FR 14290), and August 22, 1973 (38 FR 22554), respectively. Copies of this order were made available to all known interested parties, and the provisions being made effective upon publication hereof do not place any obligations on handlers until such time as may subsequently be prescribed in accordance therewith.

(c) *Determinations.* It is hereby determined that;

(1) The agreement amending the marketing agreement, as amended, regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the cranberries covered by this order) who, during the period September 1, 1972, through July 31, 1973, handled more than 50 percent of the volume of cranberries covered by the order, as hereby amended;

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (September 1, 1972, through July 31, 1973), were engaged in the production area specified in the order, in the production of cranberries for market; such producers having also produced for market at least two-thirds of the volume of cranberries represented in such referendum.

(3) The issuance of this order, amending the aforesaid order, is favored or approved by processors who canned or froze, within the production area, more than 50 percent of the volume of cranberries that was canned of frozen.

It is therefore ordered, That, on and after the effective date hereof, all handling of cranberries grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended and as hereby further amended, as follows:

1. Section 929.21 *Term of office* is revised to read as follows:

§ 929.21 Term of office.

The term of office of each member and alternate member of the committee shall be for 2 years beginning August 1 and ending on the second succeeding July 31. Members and alternate members shall serve in such capacity for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

2. Section 929.22 *Nominations* is amended by revising subparagraphs (1), (2), and (3) of paragraph (b) thereof. As amended paragraph (b) reads as follows:

§ 929.22 Nominations.

* * * * *

(b) *Successor members.*—(1) Any cooperative marketing organization that handled more than two-thirds of the total volume of cranberries produced during the fiscal period during which nominations for membership on the committee are made, or the growers affiliated therewith, shall nominate four or more qualified persons for members and four or more qualified persons for alternate members of the committee. At least one such nominee for member and one such nominee for an alternate member shall represent growers in the State of Oregon and the State of Washington. The names and addresses of such nominees shall be submitted to the Secretary not later than July 1 of each even-numbered year.

(2) The committee shall hold or cause to be held, not later than July 1, of each even-numbered year, meetings of growers in Districts 1, 2, and 3, other than those affiliated with the cooperative marketing organization designated in paragraph (b)(1) of this section, to elect nominees for member and alternate member positions on the committee.

(i) With respect to such meeting in District 3, eligible growers in District 4 shall be permitted to attend the meeting and participate in the selection of nominees. Such growers shall be eligible to be nominated for and serve as member or alternate member. Eligible growers in District 4 who do not attend the nomination meeting shall be afforded an opportunity to participate in the selection of nominees by mail. Selection of the nominee for member and the nominee for alternate member from Districts 3 and 4 shall be on the basis of the total vote of the eligible growers who attended the meeting plus any mail ballots cast by District 4 growers.

(ii) Except as hereinbefore provided, the growers in each such district who are present at the meeting, including District 4 growers who are present at the District 3 meeting, shall nominate one or more qualified persons for member and one or more qualified persons for alternate member of the committee. The names and addresses of such nominees shall be submitted to the Secretary not later than July 1 of each even-numbered year. The committee shall prescribe such procedure for the conduct of nomination meetings and for the submission of names of candidates and voting by mail by District 4 growers as shall be fair and equitable to all persons concerned.

(3) Except as set forth in subparagraph (2) of this paragraph, growers

shall only participate in the nomination of members and alternate members to represent the district in which they produced cranberries.

(4) When voting for nominees, each grower shall be entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives for each position to be filled.

3. Section 929.23 *Selection* is amended by revising paragraph (b) thereof to read as follows:

§ 929.23 Selection.

* * * * *

(b) *Successor members.*—From the nominations made pursuant to § 929.22(b)(1), or from other qualified persons, the Secretary shall select four members of the committee and an alternate for each such member. From the nomination made pursuant to § 929.22(b)(2), or from other qualified persons, the Secretary shall select three members of the committee and an alternate for each such member.

4. Section 929.41 *Assessments* is amended by adding a new paragraph (c) reading as follows:

§ 929.41 Assessments.

* * * * *

(c) If a handler does not pay his assessment within the period of time prescribed by the committee, the assessment may be increased by either or both a late payment charge and an interest charge at rates prescribed by the committee, with the approval of the Secretary.

5. Section 929.46 *Marketing policy* is amended by revising paragraph (b) thereof to read as follows:

§ 929.46 Marketing policy.

* * * * *

(b) As soon as practicable after August 1 of each crop-year and prior to making any recommendations pursuant to paragraphs (b) (7) and (8) of this section or to § 929.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the crop-year. Such marketing policy shall contain the basis therefor and information relating to:

(1) The estimated total production of cranberries;

(2) The expected general quality of such cranberry production;

(3) The estimated carryover, as of September 1, of frozen cranberries and other cranberry products;

(4) The expected demand conditions for cranberries in different market outlets;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) The recommended desirable total marketable quantity of cranberries including a recommended adequate carryover into the following crop year of frozen cranberries and other cranberry products;

(8) Regulation pursuant to § 929.52 expected to be recommended by the committee during the crop year together with its recommendation of the free and restricted percentages and beginning with 1974–75 crop year, the recommended allotment percentages, if any, for the crop year; and

(9) Other factors having a bearing on the marketing of cranberries.

6. Section 929.54 *Withholding* is amended by revising paragraph (a) thereof to read as follows:

§ 929.54 Withholding.

(a) Whenever the Secretary has fixed the free and restricted percentages for any fiscal period, as provided for in § 929.52(a), each handler shall withhold from handling a portion of the cranberries he acquires during such period: *Provided,* That such withholding requirements shall not apply to any lot of cranberries for which such withholding requirement previously has been met by another handler in accordance with § 929.55. The withheld portion shall be equal to the sum of the products obtained by multiplying each of the following quantities, as applicable, by the restricted percentage:

(1) The quantity of screened cranberries acquired:

(2) The quantity of screened cranberries obtained at the time unscreened lots of cranberries are screened: *Provided,* That, if the cranberries have not been screened by a date specified by the committee, with the approval of the Secretary, as the date by which each handler shall have met the withholding requirement, the quantity of screened cranberries shall be determined as set forth in paragraph (a)(3) of this section; and

(3) The quantity of screened cranberries contained in unscreened lots of cranberries acquired (i) which are destined for disposition without screening, or (ii) but which have not been screened prior to the date referred to in paragraph (a)(2) of this section. The committee, with the approval of the Secretary, shall prescribe uniform rules to be followed in determining the quantity of screened cranberries in each lot of unscreened cranberries.

* * * * *

7. Section 929.55 *Interhandler transfer* is revised to read as follows:

§ 929.55 Interhandler transfer.

(a) Transfer of cranberries from one handler to another may be made without prior notice to the committee. If such transfer is made between handlers who have packing or processing facilities located within the production area, the assessment and withholding obligations provided under this part shall be assumed by the handler who agrees to meet such obligation. If such transfer is to a handler whose packing or processing facilities are outside the production area, such assessment and withholding obligations shall be met by the handler within the production area.

(b) All handlers shall report all such transfers to the committee, on a form provided by the committee, twice a year each at a time specified by the committee.

8. Section 929.56 *Special provisions relating to withheld (restricted) cranberries* is amended by adding new paragraphs (e) and (f) reading as follows:

§ 929.56 Special provisions relating to withheld (restricted) cranberries.

* * * * *

(e) Cranberries purchased by the committee to replace released cranberries shall be inspected and shall meet such standards as are prescribed for withheld cranberries.

(f) Inspection of withheld cranberries released to a handler is not required.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated October 23, 1973, to become effective November 1, 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.73-22891 Filed 10-26-73;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 50]

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Central Illinois marketing area.

It is hereby found and determined that for the months of October through December 1973, the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1050.61(a) the term "route disposition" as it first appears, and the term "route" as it subsequently appears twice therein.

STATEMENT OF CONSIDERATION

This suspension action removes the limit on the categories of Class I disposition in Federal order marketing areas to be counted in the determination of whether a distributing plant has a greater volume of Class I sales in the Central Illinois marketing area than in any other Federal order marketing area. For distributing plants that meet the minimum pooling provisions of more than one order, full regulation is provided under the order for the market where the greatest volume of Class I sales is made. Under the Central Illinois order, only Class I route disposition is now counted in such determination. This suspension would provide for counting, additionally, Class I disposition to order plants in the respective marketing areas, as is provided under the Quad Cities-Dubuque order.

Mississippi Valley Milk Producers Association, Inc., requests the suspension action to facilitate continued pooling of the Borden, Inc., Pekin, Illinois, distributing plant under the Central Illinois

order rather than under the Quad Cities-Dubuque order during the months of October through December 1973. This producer association supplies the Pekin plant with producer milk.

Over one-third of the Class I disposition pooled under the Central Illinois order is associated with the Pekin plant. If this plant were to shift regulation to the Quad Cities-Dubuque market at this time, the change in the respective Class I utilization percentages of these markets would have a disruptive impact on milk procurement by regulated plants.

Under the present Quad Cities-Dubuque order the Class I price applicable at the Pekin plant location is 6 cents below the Central Illinois order Class I price at such plant location. The Quad Cities order does not provide for any adjustment to order prices at a plant located in Pekin. Therefore, pooling the Pekin plant under the Quad Cities-Dubuque order at this time would adversely affect the aforementioned association in its efforts to continue supplying milk to the plant, since substantial additional hauling costs are incurred in moving its milk to the Pekin location compared to plants located within the Quad Cities-Dubuque market, which are about 100 miles nearer to its producers' farms.

At a public hearing held in Moline, Illinois, on September 5, 1973, Mississippi Valley Milk Producers Association proposed an amendment to the Central Illinois order that would have the same effect as this suspension action. There was no opposition to the proposal, either at the hearing or in the brief that was subsequently filed. The subject provisions were suspended for the month of August 1973 (38 FR 22216). Notice of such proposed rulemaking was published in the FEDERAL REGISTER (38 FR 20626), affording opportunity to file written data, views, and arguments thereon. None were filed in opposition.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it would facilitate pooling a major portion of the market's Class I utilization during the months of October through December 1973.

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Producers and handlers requested this suspension at a public hearing held on September 5, 1973. Interim action is necessary pending amendatory procedures.

Therefore, good cause exists for making this order effective for the months of October, November, and December 1973.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of October through December 1973.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Effective date: October 29, 1973.

Signed at Washington, D.C., on October 24, 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.73-22967 Filed 10-26-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Amendment Relating to Insurance Premiums

OCTOBER 17, 1973.

The Federal Home Loan Bank Board considers it desirable to amend § 545.6-1(a)(4)(iii) of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.6-1(a)(4)) in order to eliminate the requirement for loans in excess of 80 percent of value on the security of single-family dwellings that insurance premiums be paid in advance to the association.

For such loans, § 545.6-1(a)(4)(iii) provides that the loan contract shall require "* * * in addition to interest and principal payments on the loan, the equivalent of one-twelfth of the estimated annual taxes, assessments, and insurance premiums on the real estate security be paid monthly in advance to the association; but a Federal association may waive such requirement in the case of insurance covering security property in a condominium project for which blanket insurance coverage is obtained by the project management".

The Board considers it appropriate to delete this insurance prepayment requirement and the last clause of § 545.6-1(a)(4)(iii) because it is reasonable to expect a borrower to pay, without difficulty, the full amount of the annual premium for insurance coverage of a security property.

Accordingly, the Federal Home Loan Bank Board hereby amends said § 545.6-1(a)(4) by revising paragraph (iii) thereof to read as set forth below, effective October 29, 1973.

Since the above amendment to § 545.6-1(a)(4)(iii) relieves restriction, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

§ 545.6-1 Lending powers under sections 13 and 14 of Charter K.

* * * * *

(a) *Homes or combination of homes and business property* * * *

(4) *Loans in excess of 80 percent of value.* The limitation of 80 percent set forth in subdivision (i) of subparagraph (1) of this paragraph shall be 90 percent in the case of any loan with respect to which the following requirements are met:

* * * * *

(iii) The loan contract requires that, in addition to interest and principal payments on the loan, the equivalent of one-twelfth of the estimated annual taxes and assessments on the real estate security be paid monthly in advance to the association;

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-22904 Filed 10-26-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-SW-51; Amdt. 39-1737]

PART 39—AIRWORTHINESS DIRECTIVES

Aircraft Parts and Development Corp. Callair A-9 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of the wing lift struts for delection of welds and repair or replacement as necessary on Aircraft Parts and Development Corp. (Callair) A-9, A-9A, and A-9B airplanes was published in 38 FR 21936.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), paragraph 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AIRCRAFT PARTS AND DEVELOPMENT CORPORATION. Applies to Models A-9, A-9A, and A-9B.

Compliance required within the next 100 hours' time in service after the effective date of this A.D., unless already accomplished.

To prevent water accumulation in the wing lift struts and associated detrimental effects, accomplish the following:

(a) Inspect visually for welds on both sides of the four wing lift struts at the P/N 10671 eye fittings. A 360° fillet weld is required around the eye fitting shank on both sides of the lift strut to seal the strut against moisture. These fittings provide for attachment of the lift struts to the stabilizing struts.

(b) If the welds between the eye fittings and the lift struts do not provide a complete seal as specified above, the lift strut should be removed and checked for water ingestion visually and for corrosion by x-ray, ultrasonic or equivalent method approved

by the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region.

(1) If no water or corrosion is present in the strut, weld the eye fitting to the strut 360° on both sides of the strut and reinstall the strut.

(2) If water is present in the strut (without corrosion), dry the strut, flush with linseed oil, weld the eye fitting to the strut 360° on both sides of the strut and reinstall the strut.

(3) If corrosion is found, before further flight, the affected lift strut must be replaced or corrosion must be removed in accordance with a procedure approved by the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region.

(c) If the welds between the eye fittings and the lift struts provide a complete seal as specified above, no further action is required.

(APDC Service Bulletin No. A-23 covers this same subject.)

This amendment becomes effective November 20, 1973.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Texas, on October 11, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc. 73-22897 Filed 10-26-73;8:45 am]

[Docket No. 73-EA-74; Amdt. 39-1738]

PART 39—AIRWORTHINESS DIRECTIVE

Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Lycoming Aircraft Engines.

There have been reports of failures of piston pin P/N 69650 in the subject aircraft engines. This failure can and has caused engine stoppage and damage. The cause has been attributed to grinding cracks resulting from the manufacturing process. Since this deficiency can exist or develop in engines of similar type design, an airworthiness directive is being issued which will require an inspection and replacement when necessary of the piston pin.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

AVCO LYCOMING. Applies to all Lycoming Series engines and all engines overhauled by Lycoming (also known as remanufactured) listed in Lycoming Service Bulletin No. 367A.

IO-360-A and -C Series

Serial Numbers: L-9409-51A, L9410-51A, L-9415-51A thru L-9417-51A, L-9419-51A, L-9420-51A, L-9422-51A thru L-9427-51A, L-9438-51A thru L-9441-51A, L-9443-51A thru L-9453-51A, L-9459-51A thru L-9488-51A, L-9492-51A thru L-9496-51A, L-9503-51A, L-9504-51A, L-9529-51A, L-9530-51A, L-9549-51A, L9559-51A, L-9564-51A, L-9573-51A thru L-9575-51A, L-9577-51A thru L-9597-51A, L-9599-51A, L-9603-51A thru L-9612-51A, L-9615-51A, L-9616-51A, L-9618-51A, L-9620-51A thru L-9622-51A, L-9624-51A thru L-9627-51A, L-9657-51A thru L-9666-51A, L-9669-51A thru L-9678-51A, L-9681-51A, L-9685-51A thru L-9691-51A, L-9693-51A thru L-9696-51A, L-9700-51A, L-9739-51A, L-9748-51A, L-9749-51A, L-9751-51A thru L-9754-51A, L-9756-51A thru L-9761-51A, L-9767-51A thru L-9995-51A, L-10002-51A thru L-10004-51A, L-10012-51A, L-10013-51A, L-10021-51A, thru L-9909-51A, L-9914-51A thru L-9928-51A, L-9937-51A, L-9939-51A, L-9940-51A, L-9964-51A, L-9981-51A, L-9982-51A, L-9986-51A thru L-9988-51A, L-9990-51A thru L-9995-41A, L-10002-51A thru L-10004-51A, L-100012-51A, L-10013-51A, L-10021-51A, L-10076-51A, L-10078-51A, L-10079-51A, L-10085-51A, L-10086-51A, L-10095-51A thru L-10105-51A, L-10108-51A thru L-10114-51A, L-10116-51A, L-10117-51A, L-10126-51A thru L-10136-51A, L-10139-51A, L-10141-51A thru L-10149-51A, L-10181-51A thru L-10183-51A, L-10187-51A thru L-10194-51A, L-10197-51A thru L-10201-51A, L-10204-51A thru L-10226-51A. RL-778-51A, RL-1642-51A, RL-2508-51A, RL-2562-51A, RL-2672-51A, RL-3048-51A, RL-3464-51A, RL-5652-51A, RL-5751-51A, RL-6331-51A, RL-6744-51A, RL-7357-51A, RL-7422-51A, RL-7806-51A, RL-7886-51A, RL-8000-51A, RL-8872-51A.

LIO-360-A and -C Series

Serial Numbers: L-440-67A thru L-461-67A, L-487-67A thru L-498-67A, L-513-67A thru L-516-67A, L-518-67A, L-572-67A thru L-577-67A, L-620-67A, L-622-67A thru L-633-67A, L-645-67A thru L-652-67A.

O-540-E4A5, -E4B5, -E4C5, -G1A5

Serial Numbers: L-15062-40, L-15063-40, L-15103-40, L-15117-40, L-15132-40, L-15133-40, L-15161-40, L-15221-40, L-15222-40, L-15225-40 thru L-15227-40, L-15242-40 thru L-15249-40, L-15300-40, L-15310-40 thru L-15314-40, L-15322-40, L-15323-40, L-15325-40. RL-10359-40, RL-11420-40, RL-11862-40, RL-13058-40.

IO-540-A1A5, -B1A5, -E1A5, -K1A5, -K1B5, -K1C5, -K1E5, -K1ED5

Serial Numbers: L-10118-48 thru L-10122-48, L-10124-48 thru L-10127-48, L-10144-48, L-10145-48, L-10209-48, L-10213-48, L-10321-48 thru L-10260-48, L-10263-48 thru L-10267-48, L-10398-48, L-10524-48 thru L-10528-48, L-10545-48 thru L-10547-48, L-10554-46 thru L-10556-48. RL-113-48, RL-622-48, RL-7116-48, RL-1606-48, RL-2015-48.

TIO-540-A2B, -A2C, -C1A; TIO & LTIO-540-J2BD

Serial Numbers: L-2412-61 thru L-2414-61, L-2416-61 thru L-2419-61, L-2483-61 thru L-2498-61, L-2500-61 thru L-2503-61. RL-122-61, RL-226-61, RL-759-61, RL-1263-61, RL-1268-61.

IGSO-540-A and -B Series

Serial Numbers: L-3060-50, L-3081-50, L-3070-50, L-3071-50, L-3074-50, L-3085-50 thru L-3087-50, L-3090-50. RL-315-50, RL-518-50, RL-528-50, RL-821-50, RL-1100-50, RL-1151-50, RL-1174-50, RL-1216-50, RL-1517-50, RL-1558-50, RL-1591-50, RL-1682-50, RL-1694-50, RL-1788-50, RL-2003-50, RL-2385-50, RL-2464-50, RL-2479-50, RL-2543-50, RL-2604-50, RL-2907-50.

IO-720-A, -B and -C Series

Serial Numbers: L-505-54 thru L-523-54, L-532-54 thru L-538-54, L-540-54, L-541-54, L-546-54 thru L-554-54.

Compliance required within 50 hours in service after the effective date of this AD, unless already accomplished.

To prevent piston pin failures resulting from grinding cracks which occurred during manufacture, comply with Lycoming Service Bulletin No. 367B or equivalent procedure approved by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Avco Lycoming Division, Service Department, Williamsport, Pennsylvania 17701. These documents may also be examined at the Engineering and Manufacturing Branch, Federal Aviation Administration, Eastern Region, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Eastern Region Headquarters.

This amendment is effective November 1, 1973.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421 and 1423], and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Jamaica, N.Y., on October 18, 1973.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.73-22319 Filed 10-26-73;8:45 am]

[Airspace Docket No. 73-NE-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Provincetown, Mass., Transition Area

Correction

In FR Doc. 73-21217 appearing on page 27600 in the issue for Friday, October 5, 1973, the agency airspace docket number should read as set forth above.

[Airspace Docket No. 73-EA-91]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation regulations so as to alter the Clarksburg, W. Va., Control Zone (38 FR 365).

Due to a change in the daily weather reporting and air carrier services of Allegheny Airlines, of one hour Monday through Saturday, an alteration of the description of the zone is required. However, the change is a minor one and thus notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective on October 29, 1973, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation regulations so as to amend the description of the Clarksburg, W. Va., Control Zone by deleting the last line in the description and by substituting in lieu thereof the following:

This Control Zone shall be in effect from 0600 to 2300 hours, local time, Monday through Saturday; 0700–2300 hours, local time Sunday.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on October 4, 1973.

ROBERT H. STANTON,
Director, Eastern Region.

[FR Doc.73-22878 Filed 10-26-73;8:45 am]

[Airspace Docket No. 37-EA-65]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 21797 of the FEDERAL REGISTER for August 13, 1973, the Federal Aviation Administration published a proposed regulation so as to alter the Wise, Va., Transition Area (38 FR 602).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

The proposed alteration of the Wise, Virginia, transition area was based on a revision of a procedure predicated on the Wise radio beacon. The Wise beacon failed to pass flight inspection at its present site. Therefore, the transition area extension based on the beacon must be deleted. The resultant transition area airspace will be smaller than that proposed or as it existed from previous designation. Thus notice and public procedure are unnecessary on the proposal as amended.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., December 6, 1973, as follows:

1. Amend § 71.181 of Part 71, Federal Aviation regulations so as to delete the description of Wise, Va. 700-foot floor transition area and by substituting the following in lieu thereof:

WISE, VIRGINIA

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center 36°59'15" N., 82°31'50" W. of Lonesome Pine Airport, Wise, Va.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Jamaica, N.Y., on October 4, 1973.

ROBERT H. STANTON,
Director, Eastern Region.

[FR Doc.73-22877 Filed 10-26-73;8:45 am]

[Airspace Docket No. 72-WA-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Postponement of Effective Date

On May 24, 1973, FR Doc. 73-10331 was published in the FEDERAL REGISTER (38 FR 13635), designating the Dallas-Ft. Worth, Tex., Group I Terminal Control Area (TCA) effective September 30, 1973, coincidental with the opening of the new Dallas-Ft. Worth Airport.

The official opening of the Dallas-Ft. Worth Airport was delayed, and on August 31, 1973, an amendment was published delaying the effective date of the Dallas-Ft. Worth, Tex., TCA to October 28, 1973 (38 FR 23514).

The official opening of the Dallas-Ft. Worth Airport has again been delayed until 0601 G.m.t. January 13, 1974. Accordingly, the effective date of the related terminal control area should be postponed to coincide with the opening of the new airport.

Since it is desirable that the public be made aware of this postponement immediately, notice and public procedure thereon are impracticable and good cause exists for making this amendment effective immediately.

In consideration of the foregoing, FR Doc. 73-10331 (38 FR 13635) is amended, effective October 29, 1973, as hereinafter set forth: The effective date "0601 G.m.t., October 28, 1973" is deleted and "0601 G.m.t., January 13, 1974" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on October 15, 1973.

CHARLES H. NEWPOL,
Acting Chief Airspace and Air Traffic Rules Division.

[FR Doc.73-22879 Filed 10-26-73;8:45 am]

[Airspace Docket No. 73-SO-66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation and Redesignation of Control Zones

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Rocky Mount, N.C., control zone and redesignate the Rocky Mount, N.C. (Rocky Mount-Wilson Airport) control zone.

The Rocky Mount and Rocky Mount (Rocky Mount-Wilson Airport) control zones are described in § 71.171 (38 FR 351). The Rocky Mount control zone is predicated on Rocky Mount Downtown Airport, the present location of Rocky Mount Flight Service Station. The Rocky Mount (Rocky Mount-Wilson Airport) control zone is predicated on Rocky Mount-Wilson Airport and is presently designated as part time. Since the Rocky Mount Flight Service Station will be relocated to Rocky Mount-Wilson Airport, effective October 17, 1973, the communications and weather observation and reporting requirements can no longer be met at Rocky Mount Downtown Airport. It is necessary to revoke the Rocky Mount control zone, and redesignate the Rocky Mount (Rocky Mount-Wilson Airport) control zone to make it effective 24 hours daily in lieu of part time. Since these amendments lessen the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., October 17, 1973, as hereinafter set forth.

In § 71.171 (38 FR 351), the Rocky Mount, N.C., control zone is revoked, and the Rocky Mount, N.C., (Rocky Mount-Wilson Airport) control zone is redesignated as:

ROCKY MOUNT, N.C.

Within a 5-mile radius of Rocky Mount-Wilson Airport (Lat. 35°51'17" E., Long. 77°53'34" W.).

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c).)

Issued in East Point, Ga., on October 12, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-22895 Filed 10-26-73;8:45 am]

[Airspace Docket No. 73-GL-45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment of Part 71 of the Federal Aviation Regulations is to alter the Lafayette, Indiana transition area.

The instrument approach procedure to the Aretz Airport has been cancelled. Therefore, the transition area protecting this procedure is no longer required.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the change may be accomplished by Final Rule Action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 6, 1973, as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is amended to read:

LAFAYETTE, IND.

That airspace extending upward from 700 feet above the surface within a 7½-mile radius of Purdue University Airport (latitude 40°24'45" N., longitude 86°56'15" W.); within 2 miles each side of the 144° radial of the Lafayette VORTAC extending from the 7½-mile radius area to the Lafayette VORTAC; within a 5½-mile radius of Halsmer Airport (latitude 40°23'40" N., longitude 86°48'25" W.).

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Des Plaines, Ill., on September 26, 1973.

H. W. POGGEMEYER,
Acting Director, Great Lakes Region.

[FR Doc.73-22893 Filed 10-26-73;8:45 am]

[Airspace Docket No. 73-NE-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 22981 of the FEDERAL REGISTER dated August 28, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would alter the Concord, New Hampshire, Control Zone and 700-foot Transition Area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submissions of comments. Comments were received from the New Hampshire Aeronautics Commission and the Adjutant General, New Hampshire Army National Guard. Both comments raised the same three objections to the rule change as proposed in the Notice.

First, both commentators objected to the use of the name "Epping" as a designation for the new NDB contending that it would conflict with the published TACAN approach to Pease Air Force Base which utilizes "Epping" as initial approach fix. It is considered that this comment has merit and accordingly the designation of the new NDB is being changed from "Epping" to "Epson."

The commentators also objected to the proposed deletions of the Concord control zone extension to the north of runway 17 and the control zone extension to the west for the now cancelled VOR approach. As to the former, the comments asserted that recent flights had indicated the possibility of a backcourse approach and that this portion of the control zone should be retained to permit such approaches. As to the deletion of the extension for the cancelled VOR approach, the commentators suggested that this extension should be retained in view of the fact that the Concord VOR is to be scheduled for conversion to a Doppler VOR.

While the Concord VOR is programmed for conversion to a Doppler VOR, this is not scheduled to occur until fiscal year 1975. Therefore, there is no reason for the present continuation of that control zone extension. The control zone may be altered for a new VOR approach at such time as conversion to the Doppler VOR is completed. As regards the other control zone proposed deletion, the agency has determined that the backcourse LOC approach does not meet the established agency criteria. Accordingly, it is considered that the comments objecting to the deletion of the two control zone extensions are without merit and this portion of the rule change is being adopted without further modification.

In view of the foregoing the proposed regulations, as modified above, are hereby adopted effective 0901 G.m.t., November 28, 1973.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Concord, New Hampshire, control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 43°12'16" N., 71°30'07" W., of Concord Municipal Airport, Concord, New Hampshire; within 1.5 miles each side of the 337° bearing from the Epson, New Hampshire, NDB, 43°07'05" N., 71°27'13" W., extending from the 5-mile-radius zone to the Epson NDB.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Concord, New Hampshire, 700-foot-transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface bounded by a line beginning at 43°23'00" N., 71°11'50" W., to 43°09'00" N., 71°11'50" W., to 42°58'50" N., 71°01'00" W., to 42°53'00" N., 71°11'30" W., to 42°47'00" N., 71°09'00" W., to 42°38'00" N., 71°20'00" W., to 42°40'00" N., 71°35'00" W., to 42°43'00" N., 71°36'00" W., to 42°45'00" N., 71°38'25" W., to 42°54'00" N., 71°57'00" W., to 43°06'00" N., 71°47'00" W., to 43°23'00" N., 71°47'00" W., to point of beginning. 1,200-foot transition area is unchanged.

(Sec. 370(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Burlington, Massachusetts, on October 12, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73-22896 Filed 10-26-73;8:45 am]

[Airspace Docket No. 73-RM-27]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Areas

The purpose of this amendment to the Federal Aviation regulations is to revoke Restricted Area R-6408A and R-6408B, Indian Creek, Utah.

The United States Air Force has advised the Federal Aviation Administration (FAA) that the requirement for restricted airspace R-6408A and B is no longer valid.

Since this amendment returns the airspace to public use and is a minor amendment upon which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary. In order to make this airspace available for public use at the earliest possible date, good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation regulations is amended, effective on October 29, 1973, as hereinafter set forth.

Section 73.64 (38 FR 670 and 37 FR 23904 and 25820) is amended as follows:

1. Restricted Area R-6408A, Indian Creek, Utah, is revoked.

2. Restricted Area R-6408B, Indian Creek, Utah, is revoked.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on October 16, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-22839 Filed 10-26-73;8:45 am]

[Airspace Docket No. 73-WA-44]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Change of Area High Route Waypoint Names

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to change certain waypoint names to five-letter words.

To simplify the coding system for area navigation (RNAV) waypoints, the Federal Aviation Administration (FAA) is assigning five-letter names to all waypoints not collated with navigation facilities. The same five letters serve as the waypoint name, location identifier, and computer code.

Since the identifying names of waypoints is a minor matter upon which the public is not particularly interested, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, as hereinafter set forth.

§ 75.400 (38 FR 700, 24204) is amended as follows:

Effective 0301 GMT, December 6, 1973, "Enterprice, Kans." is deleted in J-800R and "ENTER" is substituted therefor. Also "Goldfield, Colo." is deleted in J-801R and J-923R, and "GOFEL" is substituted therefor.

Effective 0302 GMT January 31, 1974, "Willy" is deleted in J-861R, J-907R and J-935R, and "WYCOX" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c).)

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

Issued in Washington, D.C., on October 23, 1973.

[FR Doc.73-22929 Filed 10-26-73;8:45 am]

[Docket No. 1326; Amdt. No. 837]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue S.W., Washington, D.C. 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.21 is amended by originating, amending, or canceling the following L/MF SIAP's effective December 6, 1973.

Yakataga, Alaska—Yakataga Airport, LFR-A, Amdt. 13, canceled.

2. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP's, effective December 6, 1973.

Bedford, Ind.—Virgil I. Grissom Municipal Airport, VOR/DME Runway 13, Amdt. 2.
Bedford, Ind.—Virgil I. Grissom Municipal Airport, VOR/DME Runway 31, Amdt. 1.
Bemidji, Minn.—Bemidji Municipal Airport, VOR Runway 13, Amdt. 7.
Bemidji, Minn.—Bemidji Municipal Airport, VORTAC Runway 31, Amdt. 3.
Dickson, Tenn.—Dickson Municipal Airport, VOR/DME Runway 17, Amdt. 1.
Gibson City, Ill.—Gibson City Muncipal Airport, VOR-A, Amdt. 1.
Hamilton, Ala.—Marion County Airport, VOR Runway 18, Amdt. 1.
Hancock, Mich.—Houghton County Memorial Airport, VOR Runway 13, Amdt. 6.
Hancock, Mich.—Houghton County Memorial Airport, VOR Runway 25, Amdt. 8.
Hancock, Mich.—Houghton County Memorial Airport, VOR Runway 31, Amdt. 5.
Lafayette, Ind.—Purdue University Airport, VOR-A, Amdt. 15.
Oklahoma City, Okla.—Will Rogers World Airport, VOR Runway 12, Amdt. 14.
Philadelphia, Pa.—Philadelphia International Airport, VOR Runway 9R, Amdt. 1.
Rome, Ga.—Richard B. Russell Airport, VOR Runway 36, Amdt. 8.
Washington, D.C.—Washington National Airport, VOR Runway 36, Amdt. 4.
West Point, Va.—West Point Municipal Airport, VOR Runway 33, Amdt. 3.
Yakutat, Alaska—Yakutat Airport, VOR Runway 11, Amdt. 9.

* * * effective November 8, 1973:

Del Rio, Tex.—Del Rio International Airport, VOR-A, Amdt. 6.
Holly Springs, Miss.—Holly Springs-Marshall County Airport, VOR Runway 18, original.

* * * effective October 11, 1973:

San Jose, Calif.—San Jose Municipal Airport, VOR A, Amdt. 2.
San Jose, Calif.—San Jose Municipal Airport, VOR Runway 12R/L, Amdt. 13.
San Jose, Calif.—San Jose Municipal Airport, VOR/DME Runway 12R/L, Amdt. 1.
San Jose, Calif.—San Jose Municipal Airport, VOR/DME Runway 30R/L, Amdt. 2.

3. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAP's, effective December 6, 1973.

Hancock, Mich.—Houghton County Memorial Airport, LOC/DME (BC) Runway 13, Amdt. 1.
Oklahoma City, Okla.—Will Rogers World Airport, LOC (BC) Runway 17L, Amdt. 6.
Oklahoma City, Okla.—Will Rogers World Airport, LOC (BC) Runway 35L, Amdt. 2.

* * * effective November 8, 1973:

Crossville, Tenn.—Crossville Memorial Airport, LOC Runway 25, original, canceled.

* * * effective October 16, 1973:

Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport, LOC (BC) Runway 27R, Amdt. 10.

* * * effective October 11, 1973:

San Jose, Calif.—San Jose Municipal Airport, LOC BC Runway 12R, Amdt. 9.
San Jose, Calif.—San Jose Municipal Airport, LOC/DME Runway 30L, Amdt. 2.

4. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAP's, effective December 6, 1973.

Bedford, Ind.—Virgil I. Grissom Municipal Airport, NDB Runway 13, Amdt. 1.
Bedford, Ind.—Virgil I. Grissom Municipal Airport, NDB Runway 31, Amdt. 1.
Hancock, Mich.—Houghton County Memorial Airport, NDB-A, Amdt. 3, canceled.
Hancock, Mich.—Houghton County Memorial Airport, NDB Runway 31, Amdt. 2.
Lafayette, Ind.—Purdue University Airport, NDB Runway 10, Amdt. 3.
Oklahoma City, Okla.—Will Rogers World Airport, NDB Runway 17L, Original.
Oklahoma City, Okla.—Will Rogers World Airport, NDB Runway 17R, Amdt. 16.
Oklahoma City, Okla.—Will Rogers World Airport, NDB Runway 35L, Amdt. 4.
Oklahoma City, Okla.—Will Rogers World Airport, NDB Runway 35R, Original.
Washington, D.C.—Washington National Airport, NDB Runway 36, Amdt. 1.
Yakataga, Alaska—Yakataga Airport, NDB-A, Original.

* * * effective October 16, 1973:

Annette Island, Alaska—Annette Airport, NDB-A, Amdt. 9, canceled.

5. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective December 6, 1973.

Hancock, Mich.—Houghton County Memorial Airport, ILS Runway 31, Amdt. 2.
Lafayette, Ind.—Purdue University Airport, ILS Runway 10, Amdt. 1.
Oklahoma City, Okla.—Will Rogers World Airport, ILS Runway 17R, Amdt. 1.
Oklahoma City, Okla.—Will Rogers World Airport, ILS Runway 35R, Amdt. 4.
Washington, D.C.—Washington National Airport, ILS Runway 36, Amdt. 24.

* * * effective November 8, 1973:

Crossville, Tenn.—Crossville Memorial Airport, ILS Runway 25, Original.

* * * effective October 16, 1973:

Annette Island, Alaska—Annette Airport, ILS Runway 12, Amdt. 11, canceled.

* * * effective October 11, 1973:

San Jose, Calif.—San Jose Municipal Airport, ILS Runway 30L, Amdt. 12.

6. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAP's, effective December 6, 1973.

Oklahoma City, Oklahoma—Will Rogers World Airport RADAR-1, Amdt. 14.
Washington, D.C.—Washington National Airport, RADAR-1, Amdt. 18.

7. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, effective December 6, 1973.

Truckee, Calif.—Truckee-Tahoe Airport, RNAV-A, Amdt. 1.
Washington, D.C.—Washington National Airport, RNAV Runway 3, Amdt. 3.

8. *Correction.* In Docket No. 13231, Amendment No. 885 to Part 97 of the Federal Aviation Regulations published in the FEDERAL REGISTER under Section 97.29 effective November 15, 1973, change effective date of Houston, Tex., Houston Intercontinental Airport, ILS Runway 8, Amdt. 3 to 13 December 73.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1).)

Issued in Washington, D.C., on October 18, 1973.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

[FR Doc.73-22894 Filed 10-26-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY EXCHANGE AUTHORITY (INCLUDING COMMODITY EXCHANGE COMMISSION), DEPARTMENT OF AGRICULTURE

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Contract Market Rule Enforcement

A proposal was published in the FEDERAL REGISTER on July 11, 1973 (38 FR

18469), pursuant to the authority of sections 5a and 8a of the Commodity Exchange Act (7 U.S.C. 7a and 12a), to issue a regulation setting forth certain requirements for programs by contract markets for the enforcement of the provisions of the Act specified therein and of their bylaws, rules, regulations, and resolutions referred to therein. Interested persons were given an opportunity to request a hearing or to make written submissions on the matter on or before August 27, 1973.

As set forth in the notice of proposed rulemaking, some contract markets have been maintaining a passive attitude toward such enforcement while others have been failing to diligently seek out violations in certain areas.

Comments were received from four contract markets, three of whom supported the aims of the proposed regulation. One of the three, however, felt that certain clarifying changes were necessary. Two contract markets, including one which supported the aims of the proposal, requested an opportunity for hearing. Neither made a persuasive showing that any such hearing is necessary.

After careful consideration of all written comments and of all relevant facts and information available, a change was made is § 1.51(a) to make clear that the regulation requires a contract market to secure compliance with only those of its bylaws, rules, regulations, and resolutions which such contract market is required by the Commodity Exchange Act to enforce. In addition, a change was made in paragraph (a) (3) of this section to make clear that a contract market is required to examine books and records of its members relating to their business of dealing in commodity futures and cash commodities only insofar as such business relates to their dealings on such contract market.

In consideration of the foregoing, the proposed regulation is hereby adopted as set forth below.

Effective date. This regulation shall become effective December 1, 1973.

§ 1.51 Contract market program for enforcement.

(a) Each contract market shall use due diligence in maintaining a continuing affirmative action program to secure compliance with all of the provisions of Sections 5, 5a, 5b, 6(a), and 6b of the Act (7 U.S.C. 7, 7a, 7b, 8, 13a) and with all of the contract market's bylaws, rules, regulations and resolutions which such contract market is required by the Act to enforce. Such program shall include:

(1) Surveillance of market activity for indication of possible congestion or other market situation conducive to possible price distortion;

(2) Surveillance of trading practices on the floor of such contract market;

(3) Examination of the books and records kept by contract market members relating to their business of dealing in commodity futures and cash commodities, insofar as such business relates to their dealing on such contract market;

(4) Investigation of complaints received from customers concerning the handling of their accounts or orders;

(5) Investigation of all other alleged or apparent violation of such bylaws, rules, regulations and resolutions; and

(6) Such other surveillance, record examination and investigation as is necessary to enforce such bylaws, rules, regulations and resolutions; and

(7) A procedure which results in the taking of prompt, effective disciplinary action for any violation which is found to have been committed.

(b) Each contract market shall keep full, complete, and systematic records which will clearly set forth all action taken as a part of, and as a result of, its program required under paragraph (a) of this section.

(Sec. 5a, 49 Stat. 1497, as amended; Sec. 8a, 49 Stat. 1500, as amended; 7 U.S.C. 7a, 12a)

The recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Issued: October 23, 1973.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc. 73-22890 Filed 10-26-73;8:45 am]

Title 22—Foreign Relations

CHAPTER V—UNITED STATES INFORMATION AGENCY

PART 501—APPOINTMENT OF FOREIGN SERVICE INFORMATION OFFICERS

U.S. Citizenship Requirements

As a result of a recent court decision concerning the 10-year U.S. citizenship requirement for appointment as a Foreign Service Information Office of the United States, part 501 of Title 22 of the Code of Federal Regulations is amended as set forth below:

1. In § 501.2, paragraph (a) is revised to read as follows:

§ 501.2 Eligibility for appointment as FSIO.

(a) Pursuant to PL 90-494 and section 511 of the Foreign Service Act of 1946, as amended, all Foreign Service information officers shall be appointed by the President, by and with the advice and consent of the Senate. All appointments shall be made to a class and not to a particular post. No person shall be eligible for appointment as a Foreign Service information officer unless he has demonstrated his loyalty to the Government of the United States and his attachment to the principles of the Constitution, and unless he is a citizen of the United States and, if married, is married to a citizen of the United States. The religion, race, sex, marital status or political affiliations of a candidate will not be considered in designations, examinations, or certifications.

* * * * *

2. Sections 501.5 through 501.12 are revised as follows:

§ 501.5 Appointment to Class 7 or 8.

Appointment as a Foreign Service information officer of class 8, or of class 7, is governed by §§ 501.6-501.12.

§ 501.6 Written examination.

The Board of Examiners for the Foreign Service has established the following rules regarding the written examination:

(a) *When and where given.* The written examination will be given annually or semiannually, if required, in designated cities in the United States and at Foreign Service posts on dates established by the Board of Examiners for the Foreign Service. Applicants must indicate in their applications whether they are applying for the Department of State or for the U.S. Information Agency. Candidiates who pass the written examination successfully may request transfer of their applications to the other agency.

(b) *Designation to take written examination.* No person will be permitted to take a written examination for appointment as a Foreign Service officer or Foreign Service information officer who has not been specifically designated by the Board of Examiners to take that particular examination. Prior to each written examination, the Board will establish a closing date for the receipt of applications for designation to take the examination. No person will be designated for the examination who has not, as of that closing date, filed an application with the Board. To be designated for the written examination, a candidate, as of the date of the examination, must be a citizen of the United States and shall be at least 21 years of age, except that an applicant who has been awarded a bachelor's degree by a college or university, or has completed successfully the junior year at a college or university, may qualify if at least 20 years of age.

(c) *Content.* The written examination is designated to permit the Board to test the candidate's intelligence and breadth and quality of knowledge and understanding. It will consist of three parts: (1) a general ability test; (2) an English expression test; and (3) a general background test.

(d) *Grading.* The several parts of the written examination are weghted in accordance with the rules established by the Board of Examiners.

§ 501.7 Oral examination.

The Board of Examiners for the Foreign Service has established the following rules regarding the oral examination:

(a) *When and where given.* The oral examination will be given throughout the year at Washington and periodically in selected cities in the United States and, if circumstances permit, at selected Foreign Service posts.

(b) *Eligibility.* If a candidate's weighted average on the written examination is 70 or higher, the candidate will be eligible to take the oral examination. Candidates eligible for the oral examination will be given an opportunity and will be required to take the oral exami-

nation within 9 months after the date of the written examination. If a candidate fails to appear for the oral examination on an agreed date within the 9-month period, the candidacy will automatically terminate except that time spent outside the United States and its territories, for reasons acceptable to the Board of Examiners, will not be counted against the 9-month period. The candidacy of anyone for whom the 9-month period is extended because of being abroad will be automatically terminated if the candidate fails to appear for the oral examination within 3 months after first returning to the United States: provided that the candidacy of anyone who has not returned and been examined in the meantime will be canceled 2 years after the end of the month in which the written examination was held.

(c) *Examining process*—(1) *Panel of deputy examiners.* The oral examination will be given by a panel of deputy examiners approved by the Board of Examiners from a roster of Foreign Service officers, officers from the Department of State, and other Government agencies, and qualified private citizens who by prior service as members of selection boards or through other appropriate activities have demonstrated special qualifications for this work. Service as deputy examiners shall be limited to a maximum of 5 years, unless a further period is specifically authorized by the Board.

(2) *Purpose of examination.* The examination will be conducted in the light of all available information concerning the candidate and will be designed to determine the candidate's competence to perform the work of a Foreign Service officer at home and abroad, potential for growth in the Service, and suitability to serve as a representative of the United States abroad. Panels examining candidates for the Department of State will be chaired by a Foreign Service officer of the Department. Panels examining candidates for the U.S. Information Agency will be chaired by an officer of that Agency's Foreign Service. Determinations of duly constituted panels of deputy examiners are final, unless modified by specific action of the Board of Examiners for the Foreign Service.

(d) *Grading.* Candidates appearing for the oral examination will be graded "recommended" or "not recommended." If "recommended," the panel will assign a grade which will be advisory to the final Review Panel in determining the candidate's standing on the rank-order register of eligibles. The candidacy of anyone who is graded "not recommended" is automatically terminated and may not be considered again until the candidate has passed a new written examination.

(e) *Background investigation.* An investigation shall be conducted of candidates who have been graded "recommended" by the oral examining panel to determine loyalty to the Government of the United States and attachment to the principles of the Constitution.

§ 501.8 Medical examination.

The Board of Examiners for the Foreign Service has established the following rules regarding the medical examination of candidates. (Regulations regarding medical examination of dependents are contained in the Foreign Affairs Manual available at the Department of State and U.S. Information Agency.)

(a) *Eligibility.* A candidate graded "recommended" on the oral examination will be eligible for the physical examination.

(b) *Purpose.* The medical examination is designed to determine the candidate's physical fitness to perform the duties of a Foreign Service officer on a worldwide basis and to determine the presence of any physical, nervous, or mental disease or defect of such a nature as to make it unlikely that the candidate would become a satisfactory officer. The Executive Director of the Board of Examiners for the Foreign Service, with the concurrence of the Deputy Assistant Secretary for Medical Services, may make such exceptions to these physical requirements as are in the interest of the Service. All such exceptions shall be reported to the Board of Examiners for the Foreign Service at its next meeting.

(c) *Conduct of examination.* The medical examination will be conducted either by medical officers of the Armed Forces, the Public Health Service, the Department, accredited colleges and universities, or, with the approval of the Board of Examiners, by private physicians.

(d) *Determination.* The Deputy Assistant Secretary for Medical Services will determine, on the basis of the report of the physician(s) who conducted the medical examination, whether the candidate has met the standards set forth in paragraph (b) in this section.

§ 501.9 Certification for appointment.

(a) *Eligibility.* A candidate will not be certified as eligible for appointment as a Foreign Service information officer of class 8 unless the candidate is at least 21 years of age, is a citizen of the United States, and, if married, is married to a citizen of the United States. A candidate may be certified as eligible for direct appointment to class 7 if, in addition to meeting these specifications, the candidate also has additional qualifications of experience, education, and age which the Board of Examiners for the Foreign Service currently define as demonstrating ability and special skills for which there is a need in the Foreign Service. Recommended candidates who meet these requirements will be certified for appointment, in accordance with the needs of the Service, in the order of their standing on their respective registers.

(b) *Separate rank-order registers.* Separate registers for Department of State candidates will be maintained for the administrative, consular, commercial/economic, and political functional specialties. Successful candidates for the U.S. Information Agency will have their names placed on a separate rank-order register and appointments will be made according to the needs of the Agency.

Postponement of entrance on duty for required active military service, or required alternative service, civilian Government service abroad (to a maximum of 2 years of such civilian service), or Peace Corps volunteer service will be authorized. A candidate may be certified for appointment to class 7 or 8 without first having passed an examination in a foreign language, but the appointment will be subject to the condition that the newly appointed officer may not receive more than one promotion unless, within a specified period of time, adequate proficiency in a foreign language is achieved.

§ 501.10 Final review panel.

After the results of the medical examination and background investigation are received, the candidate's entire file will be reviewed by a Final Review Panel, consisting of two or more deputy examiners. Candidates who have been graded "recommended" by oral examining panels, who have passed their medical examination, and who, on the basis of investigation, have been found to be loyal to the Government of the United States and personally suitable to represent it abroad, will have their names placed on a rank-order register for the functional specialty for which they have been qualified. Their standing on the register will be determined by the Final Review Panel after taking into account the grade assigned by the oral examining panel and any information developed subsequent to the oral examination concerning the applicant. The candidacy of anyone who is determined by the Final Review Panel to be unqualified for appointment shall be terminated and the candidate so informed.

§ 501.11 Termination of eligibility.

(a) *Time limit.* Candidates who have qualified but have not been appointed because of lack of vacancies will be dropped from the rank-order register 30 months after the date of the written examination: provided, however, that reasonable time spent in civilian Government service abroad (to a maximum of 2 years of such service), including service as a Peace Corps volunteer, in required active military service, or in required alternative service, subsequent to establishing eligibility for appointment will not be counted in the 30-month period.

(b) *Extension of eligibility period.* The Chairman of the Board of Examiners may extend the eligibility period when such extension is, in the Chairman's judgment, justified in the interests of the Service. The Chairman shall report the approved extensions to the Board of Examiners.

§ 501.12 Travel expenses of candidates.

The travel and other personal expenses of candidates incurred in connection with the written and oral examinations will not be borne by the Government, except that the Agency may issue round-trip invitational travel orders to bring

candidates to Washington at Government expense when it is determined that it is necessary in ascertaining a candidate's qualifications and adaptability for appointment.

Effective date. These provisions and amendments are effective on October 29, 1973.

JAMES KEOGH,
Director.

[FR Doc.73-22885 Filed 10-26-73;8:45 am]

Title 45—Public Welfare

CHAPTER IX—ADMINISTRATION ON AGING, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 903—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

Correction

In FR Doc.73-21597, appearing at page 28039 in the issue of Thursday, October 11, 1973, make the following changes:

1. In the third column on page 28041, in the fifth line of paragraph 26., the word "relay", should read "delay".

2. In the Table of Contents:

a. The second word in the heading for § 903.82, "and", should read "or".

b. Directly under § 903.82 insert the following entry:

903.83 Federal financial participation of activities under an area plan.

3. After the word "agency" in the third line of § 903.34, insert "designated in accordance with § 903.13,".

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19722; FCC 73-1077]

PART 15—RADIO FREQUENCY DEVICES

Comparable Television Tuning

1. *Introduction.* A notice of proposed rulemaking in this proceeding was released on April 20, 1973 (FCC 73-405, 40 FCC 2d 675, 38 FR 10466, April 30, 1973). In the Notice, the Commission proposed to amend § 15.68(d)(3) of the comparable television tuning rules, which states requirements, effective July 1, 1975, for television receivers equipped with a 70-position UHF tuner. Comments were requested on the specific modification of § 15.68(d)(3), on the industry's capability in general to meet the 1975 requirements, and on new developments in the tuning art. Comments were filed by the Consumer Electronics Group of the Electronic Industries Association (EIA), Mitsubishi International Corporation, GTE Sylvania, Inc., Sarkes Tarzian, Inc. (Tarzian), Standard Components, and Kaiser Broadcasting Corporation. Reply comments were filed by EIA, Zenith Radio Corporation, and General Instrument Corporation (GI). We have also considered a November 7, 1972 letter from GI, a petition for rule making filed by EIA shortly before the notice of proposed rulemaking was issued, and supplemental comments filed by Tarzian.[1]

2. The proposed modification of § 15.68 (d)(3) specified two methods for achieving comparable tuning in receivers utilizing a 70-position UHF detent tuner. The first method, applicable to color and monochrome receivers, involved eliminating the need for routine fine tuning. In the Notice, we stated that a 70-position tuner accurate to ±1MHz, combined with AFC circuitry now in use, is considered to eliminate the need for routine fine tuning. We also stated that any combination of AFC with a channel selection mechanism capable of positioning the tuner within the pull-in range of AFC would meet the requirement and, finally, that any method which eliminated routine fine tuning would be acceptable. We now add, in case it is not clear from the foregoing, that any method which produces and maintains detented tuning accuracy of the same order as the specific methods mentioned also meets this requirement. This provision is simply a restatement of the present requirement in terms of the result to be achieved rather than a specific means of reaching it.

3. The second method, applicable to monochrome receivers only, required that the UHF channel selection controls position the tuner within ±1MHz of correct frequency and that UHF and VHF fine tuning speed be the same. This provision would eliminate the present requirement of AFC in monochrome tuning but would add the fine tuning speed requirement.

4. The proposed modification reflected the development by GI of a 70-position tuner accurate to within ±1MHz of correct frequency and a demonstration of receivers utilizing that tuner to the Commission's staff. In the demonstration, the receivers produced a very satisfactory monochrome picture on all 70 UHF channels without AFC and without fine tuning, and a very satisfactory color picture on all 70 channels with AFC and without fine tuning. There was no perceptible difference in picture quality among the 70 UHF channels or between UHF and VHF channels.

5. *The comments.* After considerable study of the EIA petition for rule making and comments, we think its position can fairly be summarized as follows:

(1) EIA does not think that the Commission should impose an accuracy standard stricter than ±3MHz until one year after the receiver manufacturing industry is given adequate assurance that tuning equipment meeting the stricter standard will be available from at least two sources in production quantities sufficient to meet total industry demand. Working models of tuners should be available now in connection with design of 1975 receivers. Since a working model is available now from only one tuner manufacturer, it is too early to impose a stricter standard. The rule should be deleted until a second complying tuner is made available.

(2) The use of AFC should be optional for both color and monochrome receivers. The availability of a lower-cost color option to the customer is more important than AFC, even if use of AFC with an accurate channel selection mechanism is required to achieve comparable UHF color tuning. Moreover, if the receiver manufacturer voluntarily equips the receiver with AFC, the Commission should not regulate the performance of that receiver.

(3) The industry is concerned that use of the GI tuner will not assure compliance with the proposed rules—that tuning error may be greater than ±1MHz in the receiver environment and that the combination of AFC with a tuner accurate to ±1MHz may not eliminate the need for routine fine tuning in all circumstances—and consequently that it may not be able to certificate receivers as complying with the rule. These problems would be overcome if the Commission were to require use of a tuner accurate to ±1MHz in monochrome receivers and to require the combination of AFC with such a tuner in color receivers, without requiring that routine fine tuning be eliminated.

(4) The Commission should not require the same fine tuning speed for UHF and VHF tuning. The optimum fine tuning speed for one tuner is not necessarily (or even likely to be) the same as the optimum speed for another. The mechanics of VHF memory fine tuning, for example, require very slow fine tuning (e.g., 4 kHz per degree of rotation), but the fine tuning speed for non-memory V's is about 25 kHz per degree, and for U's ranges from 40–160 kHz per degree. EIA suggests that the Commission delete the fine tuning speed requirement or simply require that it be such that the customer can easily tune to an accurate setting.

6. EIA and Mitsubishi take the position that the public is satisfied with a UHF tuner accurate to ±3MHz and that, therefore, presumably, there is no point in requiring use of a more accurate tuner. Mitsubishi expresses skepticism concerning the ability of tuner manufacturers to mass produce (to maintain a reasonable yield of) tuners accurate to ±1MHz. It believes a cost increase would be inevitable. It also opposes the requirement that UHF and VHF fine tuning speeds be the same. It states that VHF fine tuning speeds are now about 30 kHz per degree, compared to 100–200 kHz per degree for UHF.

7. Sylvania expresses basic agreement with the proposal, except that it opposes the monochrome fine tuning speed requirement and shares EIA's concern re-

[1] Tarzian's supplemental comments consist primarily of a response to matters raised initially by GI in its reply comments. Tarzian's Motion for Leave to File Supplemental Comments is granted.

garding adoption of requirements before an adequate supply of tuners is demonstrably available to meet them. The figures for tuning speeds it provides are 3 kHz per degree of rotation for VHF memory fine tuning and 22 kHz per degree for the slowest available UHF tuner. It suggests a requirement that UHF tuning speed not be greater than 30 kHz per degree.

8. In its reply comments, Zenith supports the position taken by EIA. It states that GI has indicated to Zenith that its improved tuner assures accuracy within ±1MHz only as to the GI tuner, as produced, and not as to that tuner mounted in a receiver. It fears repetition of the same problems experienced when the ±3MHz accuracy requirement was first imposed. It notes that tuner manufacturers other than GI have not indicated plans to produce tuners accurate to ±1MHz and that they would have to redesign and retool their product to do so. It states that added costs associated with the improved 70-position tuner might cause manufacturers to use 6 and 8-position tuners. To keep costs within practical limits, it suggests a relaxed tolerance for channels above channel 69 (±2MHz if the requirement for lower channels is ±1MHz). Such a relaxation, it says, would significantly enhance the technical and economic feasibility—and therefore the availability—of an improved 70-position tuner.

9. Tarzian, in its comments, states that the Commission is moving too fast toward a reduction in the alignment error of the 70-position tuner. It suggests that receiver manufacturers may be unable to comply and, in that event, would turn to other "less desirable tuners." It considers that the Commission has no assurance that the GI tuner can be mass-produced to meet the ±1MHz accuracy specification, or that such a tuner will be available in sufficient quantity at reasonable cost. It thinks that the cost of testing tuners for compliance will add materially to receiver costs and that the Commission should obtain data concerning such costs before adopting a rule. Concerning its own capabilities, Tarzian states that 27% of current production meets a limit of ± 1MHz and that 98% meets a ± 2MHz limit, but that 100% conformance to a ±1MHz limit cannot be achieved with its current product, and that there is no assurance that the ±1MHz limit could be met with a modified product at reasonable cost. It stresses that tuner alignment accuracy alone cannot assure that the need for fine tuning will be eliminated and that other factors (wear and tear, temperature and voltage changes, etc.) can alone produce a tuning error in excess of ±1MHz and beyond the pull-in range of AFC under worst case circumstances. (The worst case argument is also made by EIA.) Tarzian contends that a requirement should not be imposed until the feasibility of meeting that requirement has been established on the receiver production line.

10. Kaiser expresses disappointment in the fact that fully comparable UHF tuning capability has not yet been achieved. It believes the requirement for eliminating the need for routine fine tuning of color receivers is a relaxation of the current rule requiring the combination of AFC with an accurate channel selection mechanism, and in this respect stresses the importance of AFC not only in pulling in but in holding a good color picture. It urges that the AFC requirement be maintained and that the Commission not in the future grant waiver of the rules or extend their effective date.

11. In response to Kaiser, EIA stresses that performance standards are preferable to design specifications in that they allow the manufacturer flexibility in meeting a stated goal—i.e., by use of AFC or in other ways producing equally satisfactory results. It maintains, in addition, that a bar on waiver or extension of the rules ignores the practicalities of product redesign and the dependency of manufacturers on the state of the tuner art.

12. In its reply comments, GI offers the following information and suggestions concerning its capabilities, and the feasibility of the proposed rule:

(1) GI agrees that receiver manufacturers should not have to depend on a single source of complying tuners. It believes that other tuner manufacturers would respond to a demand for such tuners created by a requirement for their use. GI is prepared to assist other tuner manufacturers in this respect, by licensing them to produce its product and providing technical assistance.

(2) Concerning its capability to produce complying tuners in production quantities, GI notes that its improved tuner is a modification of an existing product, of which over a million have been made to specifications and sold, and that no receiver manufacturer has been required to request a waiver from the Commission due to a failure in either the quality or quantity of that product. It notes further that over 100 samples of the improved tuner have been built, using over 95% production tooled parts, the remaining parts, representing the modification, having been fabricated from temporary tools; and that the tuners were aligned by production type personnel using production alignment procedures. Two samples were submitted to each receiver manufacturer, and in each case a favorable verbal or written report was received confirming the achievement of ± 1MHz accuracy as measured utilizing procedures prescribed by the Commission in Bulletin OCE-30. In addition, a receiver manufacturer made a statistical study of 20 samples indicating that ± 1MHz accuracy was feasible. Permanent tools are being made. Pre-production quantities of the tuner should be available during the last quarter of 1973, and production quantities should be available early in 1974.

(3) Concerning the performance of its tuner in the receiver environment, GI discounts the theoretical worst-case error argument made by EIA and Sarkes Tarzian, noting that testing it has done to date has indicated a "one to one relationship between tuner accuracy and receiver performance." It also discounts EIA's concern that deactivating AFC and tuning manually may be required to obtain the optimum picture under special circumstances, noting that this is also true of VHF tuning and is in any event a minor matter. GI nevertheless shares the concern of receiver manufacturers over the certification of receivers to meet the ±1MHz requirement. In spite of the fact that tests show that very accurately aligned tuners require little or no fine tuning, the exact performance of a specific receiver or receiver model using that tuner cannot be predicted in advance of tests, and a failure to meet the ±1MHz requirement would be catastrophic. It recommends that certification be based on measurement of the tuner under specified conditions relating to receiver operating conditions.

(4) On the matter of cost, GI has quoted customers a price which adds a 5% to 8% premium—about 30 cents—to the base price of its present product.

(5) On the question of fine tuning speeds, GI states that the fine tuning speeds of currently used VHF tuners are as follows—VHF memory tuners, 3–5 kHz per degree; non-memory VHF tuners, 20–45 kHz per degree—and suggests that a UHF tuner accurate to ±1MHz is properly compared with the non-memory VHF tuner. It recommends that the Commission require equal fine tuning speeds when the UHF tuner is combined with a non-memory VHF tuner, and that we settle for UHF fine tuning speed of 20–40 kHz per degree in combination with a VHF memory tuner.

13. In its supplementary comments, Tarzian states that GI's confidence and its offer of assistance and licensing to other tuner manufacturers cannot allay the industry's concern about the availability of tuners and the certifiability of receivers utilizing those tuners, and that such concerns cannot be allayed until the tuner has been mass produced and tested in receivers. Tarzian repeats its worst case argument—that it is possible for conditions to exist under which a receiver could not be certificated, even if the tuner is perfectly aligned. It notes that tuners used in GI's demonstration were aligned with ±0.5MHz and expresses no surprise that good results were demonstrated in receivers equipped with those tuners. It suggests that the validity of the demonstration would be enhanced if tuners aligned to the precise ±1MHz limit had been used. It reasons that the 5% to 8% cost premium indicated by GI cannot be for materials and must cover extra alignment time, that alignment operators are in short supply, and that new operators require extended training. Tarzian endorses GI's suggestion that certification be based on tuner, rather than receiver, measurements. Tarzian opposes GI's suggested tuning speed requirement, noting that they appear to be based on the design of GI tuners, whereas Tarzian tuners, which do not meet such requirements, are nevertheless very satisfactory in use. Tarzian also opposes Sylvania's suggestion that fine tuning speed not

exceed 30 kHz per degree. It notes that UHF and VHF tuner mechanisms are entirely different, that fine tuning accuracy depends on factors other than speed (e.g., backlash, torque, hand effect, knob diameter) and that optimum fine tuning speed varies appreciably among tuning mechanisms. It recommends that the choice of fine tuning speed be left to the manufacturer.

14. The Standard Components comments describe a new tuning system and ask the Commission to authorize its use. In this system, VHF and UHF varactor tuners are coupled to a common detented channel selection mechanism with a common knob, and are individually displayed. Reset accuracy is sufficient to eliminate routine fine tuning. In remote control operation, the tuners are driven by a single motor. As so described, this tuning system would comply with the comparable tuning rules. However, receiver manufacturers have expressed concern about customer acceptance of the knob-turning burden associated with a unitary 82-position tuner. To overcome this difficulty, Standard Components proposes to reduce the number of positions from 82 to 36. This version would tune and display one VHF channel at each of the first twelve positions and three or less UHF channels at each of the remaining 24 positions. Any of the three UHF channels at each position could be memory fine tuned and thereafter selected without fine tuning. Although three numbers would be displayed at each position, Standard Components contends that this version of its tuner is fully consonant with the spirit of the all channel receiver law, in that fewer knob clicks are required to tune from one available UHF station to another and that confusing and costly setup procedures involving use of channel number inserts are not required. It notes that motor drives for 70-position UHF tuners are "virtually nonexistent" and that the need, in remote control applications, for a tuning system such as it proposes is becoming acute. It requests the Commission to authorize use of a UHF tuning system which displays the 70 UHF channel numbers in groups of three or less, if any one of the three channels can be memory fine tuned to correct frequency, and if reset accuracy is sufficient to eliminate the need for routine fine tuning.

15. *Discussion.* Some of the comments, we think, display a misunderstanding of the reasons for Commission regulation of television tuning and of the nature of such regulation. The Commission entered upon the regulation of tuning in 1969 because assurances of improved UHF tuning given by the industry following enactment of the all-channel receiver law in 1962 had not borne fruit and because we doubted that individual manufacturers, who stressed price competition, would improve UHF tuning if all manufacturers were not required to do the same. The nature of such regulation has not been to impose requirements involving simply the use of equipment which was already being mass produced and had been proven in use. It has instead been to stimulate development and production of superior equipment not in common use but believed to be within the state of the art, by imposing a requirement for its use and thereby creating or expanding the market for such equipment. In short, the requirement is adopted, the tuner manufacturer responds by developing the necessary hardware, and the receiver manufacturer is called upon to use it. We have recognized that time must be allowed for the development and production of new equipment and for its incorporation in receivers, that effective dates must sometimes be viewed as target dates, and that compliance must in the end be proven feasible. To be effective, the requirement must be reasonably achievable. Accordingly, we have held out the possibility that effective dates may be extended, that requirements may be relaxed, and that waivers based on the problems faced by individual firms may be granted, provided there is a good faith effort to meet the requirement.

16. We are well satisfied with the results of this regulatory program and consider Kaiser's disappointment in the progress to be without justification. At the very beginning of this program we imposed a schedule for achieving compliance, running from July 1, 1971 (10 percent compliance) to July 1, 1974 (100 percent compliance), which is well on its way to being met. As part of this program, industry has developed and we have authorized the use of a 70-position UHF tuner having a tuning accuracy of ±3MHz, which provides a separate detented position for each of the 70 UHF channels. This 70-position tuner was authorized on representations by tuner manufacturers that tuners could be mass produced to meet the ±3MHz tuning accuracy requirement in quantities required to meet industry demand, without certainty that this could be done within the time schedule that we had imposed, and in spite of misgivings expressed by receiver manufacturers. After adoption of the rule, tuner and receiver manufacturers moved with energy and at considerable expense to meet its requirements. There were nevertheless problems. For a period, one manufacturer was unable to supply a tuner meeting the accuracy requirement in sufficient quantity. Receiver manufacturers were forced to apply for waiver of the rules, and the Commission was in effect obliged to grant such applications, the alternative being to shut down production. In each instance, however, the waiver request was carefully scrutinized and the relief granted was the minimum required to avoid hardship. In addition, manufacturers were pressed for a full explanation and were querried as to steps being taken and the progress expected in overcoming the difficulties underlying the waiver request. Albeit after considerable travail, all problems relating to the quality or quantity of the ± 3 MHz 70-position tuner appear to have been resolved, and the great bulk of tuners being produced are considerably more accurate than ±3MHz. The point is that a reasonable though optimistic goal was set and that flexible enforcement eventually led to full compliance without undue hardship.

17. We would look for similar results in the case of the ± 1 MHz requirement, though hopefully without resort to the burdensome waiver process. A stricter accuracy standard was originally imposed on November 30, 1971, to take effect July 1, 1974.[2] The effective date was subsequently extended to July 1, 1975, it appearing that progress had been made but that tuning equipment required for compliance would not be available in time for use in 1974.[3] GI now appears to have developed tuning equipment consonant with our objective, and we have accordingly initiated this proceeding to conform our requirement to its use. We reject the proposition, advanced by some, that requirements should not be imposed until the receiver manufacturer has iron-clad assurance that tuning equipment meeting those requirements will be available in desired quantities from at least two sources. That proposition is inconsistent with the entire concept of tuning regulation, as discussed above, which is to stimulate development of a superior product necessary to meet a statutory objective. We appreciate the desirability of multiple sources of components and would not adopt rules requiring the use of components which can be furnished only by a single supplier (e.g., where a patent holder refuses to license others to make that product). It is in the public interest, however, to establish requirements reflecting an advance in the state of the art by a single supplier where other suppliers have reasonable access to that advance. We also reject the proposition submitted by Kaiser, that extensions and waivers should be ruled out as a future possibility. In the absence of absolute assurance that a requirement can reasonably be met, the possibility of modification, extension or exception must be preserved. Obviously, no sensible purpose is served by insisting on compliance with a requirement which is not achievable.

18. We accept the fact that a receiver manufacturer should have a working model now of a tuner to be used in a receiver to be produced in 1975, to allow time for necessary modification of the receiver and for testing and certification. We are informed that in the case of the modified GI tuner, this should not pose a problem, since receiver manufacturers have for some time had working models of this modified tuner. We are informed further that the modified tuner is slightly larger than tuners currently in use, but not significantly so. It would appear that in a large number of receivers, the current tuner can be replaced with the modified tuner without a redesign of the receiver. It would appear therefore that, insofar

[2] Report and Order in Docket No. 19268, FCC 71-1177, 32 FCC 2d 612, 36 FR 23563.

[3] Memorandum Opinion and Order in Docket No. 19268, FCC 72-795, 37 FCC 2d 253, 37 FR 19372.

as receiver manufacturers who are regularly supplied with tuners by GI are concerned, there is ample time for such manufacturers to incorporate the modified GI tuner in their receivers to be produced in 1975.

19. Manufacturers who depend on tuners not supplied by GI, however, are in an entirely different position. So far as we know, other tuner manufacturers have not developed a 70-position nonmemory UHF tuner accurate to ± 1MHz They cannot therefore supply a working model to receiver manufacturers. The receiver manufacturer cannot design his receiver to accommodate a non-existent product, and cannot rely on the availability of production line quantities for use in 1975. This being the case, the prudent receiver manufacturer concerned with meeting a 1975 requirement would presumably turn to GI as a supplier, modifying his receiver as necessary to accommodate the GI product. Potential second sources would tend to be frozen out, leaving GI, as the single source, in a monopoly position. All those involved, including GI, agree this is not a desirable result, an additional adverse factor being that it is not known whether GI could meet total industry demand. As an alternative possibility, the far-sighted receiver manufacturer, perceiving this result, could resist the temptation to switch to GI, the predictable result in this instance being a large influx of waiver requests. While we are prepared to impose a requirement without certain knowledge that immediate compliance is possible, we are not prepared to impose a requirement where every indication in advance is that it will have to be waived on a large scale. In view of these circumstances, we have settled on a compromise solution, which should provide incentive for improvement without fostering monopoly or large scale waiver requests. The requirement for July 1, 1975 will be accuracy within ± 2MHz of correct frequency. The modification of § 15.68(d) (3) proposed herein will go into effect July 1, 1976, with changes discussed below. Relief beyond that date, if required, will be considered only on individual waiver requests. Tarzian reports that 98 percent of its present product meets a ± 2MHz requirement now. It should be possible to bring this up to 100 percent by 1975. Since the requirement is achievable with tuners now in use, receiver manufacturers should not be troubled with redesign problems in the immediate future. At the same time, the 1976 date should allow time for Tarzian and others to develop a modified product meeting a ± 1MHz accuracy standard, especially if they accept GI's offer of licensing and technical assistance, and should provide the necessary incentive for doing so.

20. In respect to GI's capability to mass produce a tuner accurate to ±1MHz in a receiver environment, it has of course to be acknowledged that we cannot be sure of such capability until tuners have been mass produced and tested in receivers. We do, however, think that there is a good prospect for achieving such results and sufficient basis for retaining the requirement. We would note in any event that manufacturers who opt for use of the ± 1MHz tuner in meeting the ± 2MHz 1975 requirement will develop measurement data for certification and for their quality control programs which will disclose with certainty, well before 1976, whether that tuner will meet the ± 1MHz standard in the receiver. If the capability does not exist, we will state once more that it cannot be required, and that the ±1MHz standard would have to be replaced by a feasible requirement. Even if this should prove necessary, we note, we still have every reason to believe that use of this tuner will provide quite satisfactory subjective results. We prefer this approach to that of measuring the tuner alone, apart from the receiver, and assuming compliance by a receiver equipped with a complying tuner. We are not at this time adopting Zenith's suggestion of a less strict standard for channels 70–83, first, because we are not at all certain deviation from correct frequency on those channels will be typically larger for an improved tuner and, secondly, because we think the ±1MHz standard can be met on all channels. We are not, however, ruling such an approach out for future consideration, should problems arise and should that approach appear to offer a solution.

21. In view of the prices being quoted by GI (a 30 cent or 5–8% increase), concerns expressed about the cost of an improved tuner seem not to be justified. Our understanding is that the additional tuner cost reflects the cost of the additional blade, tooling, test equipment and, as Tarzian suggests, some additional labor cost for aligning the tuner. The increased labor costs follow from a larger number of alignment adjustments made to closer tolerances. However, the design of the modified tuner materially simplifies the alignment process, and not much more time or skill is required. Probably some additional alignment personnel would require some initial training and, during the early stages of production line work, would not be expected to produce the same quantity of tuners as experienced personnel. With a new tuner and a stricter accuracy standard, we would agree with Tarzian that manufacturers will need to test a larger number of receivers for compliance, particularly during the introductory period. It does not seem to us, however, that burdens and costs associated with use of the improved product are in any sense excessive, and we have no indication that they are such as to influence manufacturers to use other tuning systems.

22. Some of the comments express concern about the meaning of the phrase, "The need for routine fine tuning * * * is eliminated." This is, of course, a subjective term, dependent on the demands of the viewer, and presents problems for the manufacturer in certifying compliance. To resolve this problem, we have amplified this provision, by specifying that the use of tuning equipment meeting given specifications (heretofore mentioned only in the Notice of Proposed Rule Making) and tuning equipment producing tuning accuracy of the same order as such specified equipment is considered sufficient to eliminate the need for routine fine tuning. This approach should provide the objective standard needed for certification while preserving the performance standard (rather than design specification) characteristics of the rule. With regard to the word "routine," where routine fine tuning is eliminated by use of AFC, the occasional need to deactivate AFC and tune manually, due to characteristics of the broadcast signal or other special circumstances, does not constitute routine fine tuning. The occasional need to take an action under special circumstances is not a routine need to take that action.

23. EIA takes the position that we should not require the use of AFC in color or monochrome receivers, and the modified rule, of course, does not specify the use of AFC as the means of eliminating the need for routine fine tuning. We would stress, however, that the change is not designed to accommodate the manufacture of a lower cost noncomparable color receiver, but rather is simply a statement of the rule as a performance requirement. Kaiser's belief that this restatement is a relaxation of the present rule is mistaken, and its concern that the color picture will drop out or switch in and out if AFC is not used is misplaced. The need for routine fine tuning has not been eliminated if the receiver does not hold a satisfactory color picture. What the modified rule provides is that means other than AFC, if and when developed, may be used in achieving the tuning results now achievable on a nonmemory UHF tuner combining AFC with an accurate channel selection mechanism. In contending that we should not regulate the performance of receivers voluntarily equipped with AFC, EIA seems to be saying that we should not concern ourselves with the accuracy of the channel selection mechanism or with the overall tuning performance. However, we are concerned about these matters and therefore reject this EIA proposition.

24. On consideration of the comments relating to the requirement that UHF and VHF fine tuning speeds be the same, we are persuaded that such a requirement is unnecessary and would be counter-productive. It has been deleted. The accuracy of settings obtainable with the fine tuning controls is dependent on numerous mechanical characteristics of the fine tuning mechanism, of which speed is only one, and the optimum trade-off between speed and precision varies among tuner types. Whereas speeds on the order of 200 kHz per degree of rotation mentioned in the comments for tuners accurate to ± 3 MHz would appear to be excessive for tuners accurate within ±1 MHz of correct frequency, and speeds of 40 kHz per degree or lower as suggested by GI and Sylvania, would appear to be closer to optimum, we think the better course in this case is to refrain from imposing a requirement and to leave the question of fine tuning speed

to the manufacturer's judgment. Since fine tuning speed has little or no bearing on the cost or size of the tuning equipment, we have every reason to believe that the manufacturer will select, for a given tuner, a tuning speed he considers will best meet the needs and preferences of the viewer.

25. The tuning system developed by Standard Components (described in para. 14, Supra) has many attractive features. These include one knob channel selection and fine tuning, memory tuning, superior reset accuracy, and adaptability to all-channel remote control operation. The 82-position version of this tuning system presents no problem, but use of the 36-position version (on which three or less UHF channel numbers are displayed at each of 24 detented UHF settings) would conflict with section 15.68(b)(3) of the Rules. The availability of UHF tuning equipment suited for remote control operation has been a problem, and use of the Standard Components product would clearly resolve that problem. The 36-position version of that product is preferred by receiver manufacturers and would, they believe, be preferred by their customers. The question then is whether we should authorize use of the 36-position version to encourage use of the product, particularly in remote control applications. In seeking an answer to that question, we contacted Kaiser, the only UHF television broadcasting interest to file comments in this proceeding, and were advised that they would welcome use of such a tuner—that the many advantages, in effect, far outweighed relatively minor disadvantages associated with access to three channels and the display of three channel numbers at one detent setting. We are in agreement with Kaiser and Standard Components on this question and are accordingly amending Section 15.68(b)(3) to accommodate use of the 36-position Standard Components tuning system.

26. Authority for the amendment set out in the attached Appendix is set out in section 4(i), 303(r) and (s), and 330 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r) and (s), and 330.

27. In view of the foregoing, *it is ordered*, Effective November 30, 1973, that Part 15 of the rules and regulations is amended as set forth below, and that this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, Sec. 330, Sec. 2, 76 Stat., 1066, 1082, 151; 47 U.S.C. 154, 303, 330.)

Adopted October 17, 1973.

Released October 24, 1973.

FEDERAL COMMUNICATIONS COMMISSION,*
[SEAL] VINCENT J. MULLINS,
Secretary.

* Commissioner Robert E. Lee absent.

Part 15 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read as follows:

Section 15.68 (b)(3) (d)(3) are revised, and (d)(4) is added to read as follows:

§ 15.68 All-channel television broadcast reception; receivers manufactured on or after July 1, 1971.

* * * * *

(b) * * *

(3) *Tuning controls and channel read-out.* UHF tuning controls and channel read-out on a given receiver shall be comparable in size, location, accessibility and legibility to VHF tuning controls and readout on that receiver. If any television receiver utilizes continuous UHF tuning for any function (e.g., as the basic tuning mode, for presetting a detent mechanism for repeated access at discrete tuning positions, or for tuning a channel which cannot be assigned a discrete tuning position), that receiver shall be equipped to display the approximate UHF television channel the tuner has been positioned to receive. If any television receiver is equipped to provide repeated access to UHF television channels at discrete tuning positions, the manufacturer shall provide for the display of the precise UHF channel selected or shall provide to the user a means of identifying the precise channel selected without the use of tools: *Provided, however,* That the 70 UHF channel numbers may be displayed in groups of three or less at each of 24 settings, if

(i) The tuning mechanism uses a single control to select the VHF and UHF channels;

(ii) Any one of the three channels simultaneously displayed can be precisely tuned to the correct frequency; and

(iii) The reset accuracy (with AFC, if provided) is sufficient to eliminate the need for routine fine tuning.

* * * * *

(d) * * *

(3) On or after July 1, 1975, a 70-position nonmemeory UHF detent tuning system may be used to meet the requirements of this section provided the channel selection mechanism shall be capable of positioning the tuner to receive each UHF channel at its designated detent position, with maximum deviation from correct frequency on any detent setting not exceeding ± 2MHz, when approached from either direction of rotation.

[FR Doc.73-22934 Filed 10-26-73;8:45 am]

[Docket No. 19700; FCC 73-1078]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

Report and Order

In the matter of Amendment of Part 81 of the Commission's rules to provide for the use of maritime mobile repeater stations in the State of Alaska.

1. A notice of proposed rulemaking in the above-captioned matter was released on March 12, 1973, and was published in the FEDERAL REGISTER on March 20, 1973 (38 FR 7342). The dates for filing comments and reply comments have passed.

2. Comments were filed by the Central Committee on Communication Facilities of the American Petroleum Institute (API), RadioCall, Inc. (RADIOCALL), and Service Electric Co., Inc. (SECO). Informal comments were filed by RCA Alaska Communications, Inc. (RCA).

3. API comments, on the basis of many years of experience in the operation of mobile repeater installation in the land mobile service, that in order to avoid unintended activation of the relay transmitter by other signals, a system of "tone coding" should be employed. At the same time, API recognizes that the use of tone coding would require the retrofitting of vessels already equipped with VHF and that to do so would probably be impractical, since the proposed use of maritime mobile repeaters is an interim arrangement pending availability of adequate VHF facilities in Alaska. The Commission agrees with both points, that is, that a system of tone coding would be preferred and that the retrofitting of currently fitted vessels would be impractical.

4. Since tone coding for repeater activation appears impractical, API expresses the view that the geographic spacing between repeaters should be adequate to assure that a vessel does not activate more than one repeater at a time. In that regard, API mentions limiting to one the number of repeaters which may be installed in each Alaska Zone, with additional provision for the granting of waivers for other repeaters at location(s) where it is shown that these additional repeaters would not be activated by signals intended for an existing repeater. We agree that only one repeater should be activated at a time, and this was the underlying reason for including paragraph (e) in proposed § 81.330. This paragraph requires the plotting of contours at the +17 dBu distance. Additionally, it requires at and beyond the +17 dBu contour, the provision of a 12 dB ratio of desired to undesired signal strength from any other station. The combined requirements of §§ 81.802(c) and 81.811 should provide, under normal conditions, a separation distance between maritime mobile repeaters such that only one repeater will be activated at a time. Nonetheless, we feel there is merit to API's view, since reflections from elevated terrain, temperature inversions, etc., can be normal for a given location and can result in the undesired but simultaneous activation of two or more repeaters by a ship station. While exceptional circumstances of this type should be avoided, we feel it would be improper to impose upon users at all locations an excess of precautions against simultaneous activation of two or more repeaters, when such

precautions are actually required at only one or a few locations. Accordingly, as set forth in the attached Appendix, paragraph (e) of § 81.330 is amended to cover the cases of an exceptional nature.

5. API introduces the matter of Commission consideration of the desirability of increasing the number of frequency pairs in Alaska which would be available for use by maritime mobile repeater staitons. On the basis of information currently available, no adequate basis exists to conclude that more than one frequency pair is required. Further, considering the limited number of frequency pairs which are available to the maritime services, we have grave doubts that it would be appropriate to give encouragement, even for the interim period here involved, to the use of more than one frequency pair for this type of repeater. Finally, on a continuing or long term basis, it is our view that if remotely controlled repeaters are to be employed, the remote control function should be effected on operational fixed frequencies. Accordingly, we are not in this proceeding making available more than one frequency pair for maritime mobile repeater stations in Alaska.

6. API recommends that access to maritime mobile repeater stations "also be made available to (VHF) limited coast Class III–B applicants in those areas where the Commission has received no application from an applicant proposing to furnish a common carrier service." Under the conditions set forth by API, we believe such an arrangement would offer additional encouragement to implement VHF in Alaska and it is, therefore, being adopted as set forth in the attached Appendix.

7. API further recommends that "where the facility is to be authorized as a limited coast Class III–B station, the Commission should include provisions in its rules to permit the station to be licensed for shared use through a cooperative association or corporation, or otherwise provide for the multiple licensing of the station so that it may be used by all requiring such service." With regard to this recommendation, it goes substantially beyond the current provisions regarding cooperative use of facilities set forth in § 81.352. We concur that a maritime mobile repeater station should provide intercommunication between vessels of the same or different companies, however, we see no provision in the current rules which would prohibit such intercommunication. We concur, also, that a maritime mobile repeater could be used by multiple public coast Class III–B stations, for public correspondence, or by multiple limited coast Class III–B stations, for non-public correspondence, however, we are not persuaded that it is timely or that sufficient information is available to amend § 81.352. Further, since we intend to examine each such arrangement for cooperative use of a facility on a case-by-case basis, this recommendation of API is not being adopted.

8. The comments of RCA are directed to paragraph (c) of proposed § 81.330. The proposed wording requires the applicant to "include a full and complete statement showing why the operational fixed frequencies set forth in Subpart P cannot be employed." RCA requests this paragraph be amended to require the applicant to "include a full and complete statement showing why the applicant has not applied for operational fixed frequencies set forth in Subpart P." It is apparent that if paragraph (c)[1] were to be amended as requested by RCA that any simpe statement would satisfy the requirements of that paragraph and that little, if any, information useful to the Commission would be obtained. On the other hand, we feel that the section as proposed would cause the applicant to give mature consideration to the use of the operational fixed frequencies, before submitting an application for a maritime mobile repeater station. Accordingly, as set forth in the attached Appendix, we are adopting paragraph (d) without change.

9. SECO expresses the view that while there may be a few uses for the relay of ship to shore communications, the majority requirement for maritime mobile repeater stations in Alaska is for the relay of ship to ship communications. In that regard, SECO raises the question of use which would or could be made of the maritime mobile repeater station described in the notice of proposed rulemaking. In an effort to more clearly illustrate the intended uses, we have prepared the following table or flow chart:

[1] The reference paragraph "(c)" is changed to paragraph (d) in the attached appendix.

Ship (MHz)	Maritime mobile repeater (MHz)	Ship or coast (MHz)
Transmit: 157.275 →	Receive: 157.275 Transmit: 161.875 →	Receive: 161.875
Receive: 161.875 ←	Receive: 157.275 ← Transmit: 161.875	Transmit: 157.275

In looking at this table, it is clear that the relayed transmissions from the repeater (on 161.875 MHz) can be received by either a ship station or by a coast station. Similarly, it is clear that an incoming transmission (on 156.275 MHz) to the repeater will be retransmitted on 161.875 MHz. On this basis, one ship would be able to communicate with another ship, or with a concerned coast station. With regard to avoiding interruption of communication in progress between two vessels, it will be possible to avoid such interruption by monitoring 161.875 MHz. If an exchange of communications is observed as being in progress, the second user should wait until those communications have been completed before initiating his call to another ship or coast station.

10. In their comments RADIOCALL requested that the Commission provide for the use of maritime mobile repeater stations in the state of Hawaii. In support thereof, RADIOCALL states that all of the reasons for establishing maritime mobile repeater stations in Alaska are equally applicable to the state of Hawaii. RADIOCALL requests, therefore, that provision for use of these repeater stations in Hawaii be included in the instant proceeding, or, alternatively, that the Commission "issue a Further Notice of Proposed Rule Making for that purpose so that the amendment of Part 81 making the service available in both the state of Alaska and the state of Hawaii may be adopted simultaneously."

11. On the basis of the limited information included in the comments of RADIOCALL, we are unable to determine that the degree of need in Hawaii is the same as or is similar to that in Alaska; or if it would be in the public interest to permit the use in Hawaii of maritime mobile frequencies on an interim basis for this type of operation. There are, of course, substantial differences between conditions in Alaska and those in Hawaii. We are not, therefore, including Hawaii in the instant proceeding or issuing a Further Notice of Proposed Rule Making to include Hawaii, as requested by RADIOCALL. This leaves open to RADIOCALL and others the alternative to file a petition to amend the rules to permit the use of maritime mobile repeater stations in Hawaii. We would expect such petition to include sufficient information to permit us to make an informed decision with regard to why repeater facilities are required, why the relay cannot be supplied on operational fixed frequencies under the existing rules, how it is proposed that such repeater facilities would be operated, etc.

12. In view of the foregoing, *it is ordered,* That pursuant to the authority contained in Sections 4(i) and 303(b), (c), (g) and (r) of the Communications Act of 1934, as amended, Part 81 of the Commission's rules, is amended, effective November 30, 1973, as set forth below. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted October 17, 1973.

Released October 24, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] VINCENT J. MULLINS,
Secretary.

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 81.3, a new paragraph (t) is added to read as follows:

[2] Commissioner Robert E. Lee absent.

§ 81.3 Maritime mobile service.

* * * * *

(t) Maritime mobile repeater station. A land station at a fixed location established for the automatic retransmission of signals emanating from maritime coast and mobile stations in order to extend the range of communication of both ship and coast stations.

2. A new § 81.330 is added to Subpart I to read as follows:

§ 81.330 Maritime mobile repeater stations in Alaska.

(a) Maritime mobile repeater stations will be licensed, primarily, in connection with public coast III–B stations (VHF) to extend the range of communication between the public coast station located in Alaska and ship stations.

(b) On a secondary basis, maritime mobile repeater stations may be authorized to the licensee of a limited coast III–B station:

(1) In those areas where VHF common carrier service is not available;

(2) In an area where an application to provide VHF common carrier service has not been received; and

(3) Any authorization to operate a maritime mobile repeater station shall automatically expire 60 days after inauguration of service by a Class III–B public coast station in the area involved.

(c) An authorization for a maritime mobile repeater station may be granted to a licensee of Class III–B public or limited coast station in Alaska and only during the interim period prior to the development of an adequate VHF public coast station service in any particular area of Alaska. The existence of a maritime mobile repeater station in an area shall not preclude consideration of the establishment of a VHF public coast station in that area.

(d) Each application for a maritime mobile repeater station shall include a full and complete statement showing why the operational fixed frequencies set forth in Subpart P of this part cannot be employed.

(e) The standard technical requirements set forth in Subpart E shall be also applicable to a maritime mobile repeater station. The provisions relating to duplication of service set forth in Section 81.303 shall be also applicable to maritime mobile repeater stations. The Commission will prescribe additional technical measures to be applied at any location where terrain, environment, or other conditions result in the simultaneous activation by a ship station of two or more maritime mobile repeater stations.

(f) The following frequencies may be authorized for use by a maritime mobile repeater station in Alaska:

Receive: 157275 MHz
Transmit: 161.875 MHz

(g) The rules applicable to public coast III–B stations requiring capability to transmit and to receive on 156.800 MHz [81.104(b)(2), 81.104(c)(2) and 81.191(c)(2)] are not applicable to the maritime mobile repeater stations in Alaska.

(h) A public or limited coast III–B station, the licensee of which has been authorized to use a maritime mobile repeater station, may be authorized to transmit on the frequency 157.275 MHz and to receive on 161.875 MHz. In an area where a maritime mobile repeater station is authorized, the frequencies 157.275 and 161.875 MHz (Channel 85) are not available for assignment to Class III–B public coast stations.

(i) Each maritime mobile repeater station shall be so designed and installed that:

(1) The transmitter is deactivated automatically within 5 seconds after the signals controlling the station cease; and

(2) During periods when it is not controlled from a manned fixed control point, it shall be provided with an automatic time delay or clock device that will deactivate the station not more than 20 minutes after its activation by a mobile unit.

[FR Doc.73-22933 Filed 10-26-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Correction

In FR Doc. 73-22033, appearing on page 28681 in the issue of Tuesday, October 16, 1973, the section designation "§ 10.105" should read "§ 20.105".

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Moosehorn National Wildlife Refuge, Maine

The following special regulation is issued and is effective during the period December 1, 1973, through April 15, 1974.

§ 28.7 Special regulations; operation of vehicles.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

The use of snowmobiles is permitted on the Baring and Edmunds Units subject to the following special conditions:

(1) Use is restricted to the period December 1, 1973, through April 15, 1974.

(2) Use shall be in accordance with all applicable State laws and regulations governing snowmobiles.

(3) Use is limited to designated roads delineated on maps available at refuge headquarters or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective during the period specified herein.

WILLARD M. SPAULDING, Jr.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 17, 1973.

[FR Doc.73-22876 Filed 10-26-73;8:45 am]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective Oct. 29, 1973.

§ 32.32 Special regulations; upland game; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of gray partridge, sharptailed grouse and pheasant on the J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted from sunrise to sunset November 19, 1973, through December 9, 1973, only on the area designated by signs as open to hunting. This open area, comprising 58,400 acres of the total refuge area is delineated on a map available at the refuge headquarters, Upham, North Dakota 58789, and from the office of the Area Manager, Bureau of Sport Fisheries and Wildlife, P.O. Box 1897, Bismark, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of gray partridge, sharptailed grouse and pheasant subject to the following special condition:

(1) All hunters must exhibit their hunting license, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 9, 1973.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer N. W. Refuge, Upham, North Dakota.

OCTOBER 12, 1973.

[FR Doc.73-22872 Filed 10-26-73;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 223a]

LAWFUL PRESENCE OF REFUGEES

Notice of Proposed Rule Making

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of § 223a.3 pertaining to the issuance of travel documents to refugees.

In implementation of Article 28 of the United Nations Convention of July 28, 1951, and the Protocol Relating to the Status of Refugees, 8 CFR Part 223a was published in the FEDERAL REGISTER on March 30, 1973 (38 FR 8237), effective August 1, 1973 (38 FR 14261). Section 223a.3 provides that, in the absence of specified conditions, a refugee travel document shall be issued to a refugee whose presence in the United States is lawful. The purpose of the proposed rule is to define more accurately the term lawful presence within the intent of Article 28 of the Convention Relating to the Status of Refugees. The proposed amendment makes it clear that lawful presence in the United States within the meaning of § 223a.3 does not include brief presence as a transit or crewman, or any other presence so brief as not to imply residence even of a temporary nature. The proposed amendment is in accord with the views expressed by the United Nations High Commissioner for Refugees relative to the construction of the words "lawfully staying" as used in Article 28 of the United Nations Convention of 1951.

In accordance with section 553 of Title 5 of the United States Code (30 Stat. 383), interested persons may submit to the Acting Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received by November 20, 1973, will be considered.

In § 223a.3, the second sentence is amended to read as follows:

§ 223a.3 Eligibility.

* * * A refugee travel document shall be issued to a refugee whose presence in the United States is lawful unless compelling reasons of national security or public order otherwise require; lawful presence, as used herein, does not include brief presence as a transit or crewman, or any other presence so brief as not to signify residence even of a temporary nature. * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: October 23, 1973.

JAMES F. GREENE,
Acting Commissioner, Immigration and Naturalization.

[FR Doc.73-22907 Filed 10-26-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-EA-89]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Jamestown, N.Y., Control Zone (38 FR 389).

Allegheny Airlines, which monitors and provides weather information and operates air carrier service at Chautauqua County Airport, Jamestown, New York, will extend its hours of operation to cover the period 0700–2130 daily. Thus a change in the designation of the control zone will be required.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before November 19, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviaton Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Jamestown, New York, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations so as to alter the description of the Jamestown, N.Y. Control Zone by deleting the last sentence and by substituting the following in lieu thereof: "This Control Zone shall be in effect from 0700 to 2130 hours, local time, daily.".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on October 4, 1973.

ROBERT H. STANTON,
Director, Eastern Region.

[FR Doc.73-22881 Filed 10-26-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SO-65]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Centre, Ala., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before November 28, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 770, 3400 Whipple Street, East Point, Ga.

The Centre transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Centre Municipal Airport (Latitude 34°09'40" N., Longitude 85°38'05" W.).

The proposed designation is required to provide controlled airspace protection for IFR operations at Centre Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Rome, Ga., VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authortiy of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on October 11, 1973.

PHILLIP M. SWATIK,
Director, Southern Region.

[FR Doc.73-22898 Filed 10-26-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-CE-28]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Clarinda, Iowa.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before November 28, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure is being developed for the Clarinda Municipal Airport, Clarinda, Iowa. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Clarinda, Iowa.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is added:

CLARINDA, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Clarinda Municipal Airport (latitude 40°43'30" N., longitude 95°01'31" W.); and within 3 miles each side of the 169° bearing from the Clarinda Municipal Airport, extending from the 5-mile radius to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 169° and 349° bearings from the Clarinda Municipal Airport extending from 6 miles north of the airport to 18½ miles south of the airport.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on October 4, 1973.

JOHN R. WALLS,
Acting Director,
Central Region.

[FR Doc.73-22918 Filed 10-26-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 555]

[Docket No. 73-30; Notice 3]

TEMPORARY EXEMPTION FROM MOTOR VEHICLE SAFETY STANDARDS

Required Data and Procedures for Processing Petitions

This notice proposes amendments to the regulations for Temporary Exemption from Motor Vehicle Safety Standards, 49 CFR Part 555, to specify that the NHTSA will notify petitioners directly when their petitions are found not to contain required information, and that income statements must be included in support of hardship petitions.

The regulations concerning temporary exemptions specify detailed financial, engineering, and historical information that the petitions must contain. These requirements were carefully derived from the enabling legislation (Pub. L. 92-548, 86 Stat. 1159) and from public comments received in response to the proposed regulations. This agency considers them to be mandatory, and fully in accordance with the intent of Congress in enacting the exemption authority.

Section 555.7 of the regulations provides that the NHTSA publishes a notice of each petition in the FEDERAL REGISTER and affords an opportunity to comment. Several petitions have been received, however, that on their face have not contained all the information required by the regulations. No valid purpose is served by notice and comment regarding petitions that are clearly insufficient. In the interest of fairness to the petitioners and efficiency of administration, therefore, it appears desirable to provide that this agency should notify the petitioners directly when petitions are found not to contain required information. Petitioners will thereby be given the opportunity to supplement their petitions with information needed for further consideration.

The regulations currently require that those petitioning on grounds of substantial economic hardship include corporate balance sheets for the three fiscal years preceding the application and a projected balance sheet for the fiscal year subsequent to any denial. The NHTSA is proposing that income statements be submitted as well, as they may provide a better picture of the financial strength of a small company.

Accordingly, it is proposed that 49 CFR Part 555 be amended as follows:

1. Section 555.6(a)(1)(iv) and (v) would be revised to read:

§ 555.6 Basis for petition.

(a) * * *

(1) * * *

(iv) Corporate balance sheets and income statements for the three fiscal years immediately preceding the filing of the application;

(v) Projected balance sheet and income statement for the fiscal year following a denial of the petition; and

* * * * *

2. Paragraph 555.7(a) would be amended to read:

§ 555.7 Processing of petitions.

(a) The NHTSA publishes in the FEDERAL REGISTER, affording opportunity for comment, a notice of each petition containing the information required by this part. However, if the NHTSA finds that a petition does not contain the information required by this part, it so informs the petitioner, pointing out the areas of insufficiency and stating that the petition will not receive further consideration until the required information is submitted.

* * * * *

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The agency will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that inter-

ested persons continue to examine the docket for new material.

Comment closing date: December 13, 1973.

Proposed effective date: Date of publication of final rule.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159, 15 U.S.C. 1410; sec. 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1407; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on October 24, 1973.

ELWOOD T. DRIVER,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.73-22906 Filed 10-26-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 413]

ELECTROPLATING POINT SOURCE CATEGORY

Effluent Limitations Guidelines, Standards of Performance, Pretreatment Standards; Extension of Comment Period

There was published in the FEDERAL REGISTER of October 5, 1973 (38 FR 27694-27699) a notice of proposed rulemaking concerning effluent limitations guidelines and standards of performance and pretreatment standards for the electroplating category of point sources under sections 301, 304(b), 306(b), and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.). The due date for comments provided for in the notice was November 1, 1973. In order to provide a comment period of 30 days from publication of the notice of proposed rulemaking in the FEDERAL REGISTER, the due date for comment should have been listed as November 5, 1973. Therefore, the date for submission of comments is hereby extended to and including November 5, 1973.

Dated October 24, 1973.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

[FR Doc.73-22803 Filed 10-26-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 83, 91]

[Docket No. 19665]

ON-BOARD COMMUNICATIONS IN THE INDUSTRIAL AND MARITIME MOBILE SERVICES

Extension of Time for Comments

In the matter of Amendments of Parts 2, 81, 83, and 91, to provide frequencies, standards and procedures for on-board communications in the Industrial and Maritime Mobile Services.

1. The Central Committee on Communication Facilities of the American Petroleum Institute (hereinafter referred to as the "Central Committee") requests an extension of time until October 26, 1973, within which to file comments in the above-entitled proceeding, and an extension of time until November 6, 1973, within which to file reply comments.

2. In support of its Motion for Extension of Time, Central Committee indicates that its members represent over forty of the leading oil and natural gas companies in the United States, and that it is supported and sustained by more than four hundred petroleum industry radio users. Central Committee further asserts that, while the vast majority of rulemaking comments can be developed through the exchange of correspondence within the Committee itself, the nature of the technical questions raised in the current phase of this rulemaking proceeding make it desirable that Central Committee's Marine Group discuss and fully explore these matters at a meeting previously scheduled for October 15, 1973. In its further notice of proposed rulemaking released on September 6, 1973 (38 FR 25196), the Commission had set the time for filing comments and reply comments herein on October 12, 1973, and October 23, 1973, respectively.

3. The Commission considers the foregoing averments by Central Committee to constitute a showing of good cause for grant of its Motion for Extension of Time. Since the grant of this Motion will afford all interested persons, including Central Committee, additional time necessary to prepare responsive and meaningful comments and will not materially affect the interests of other known parties, Central Committee's Motion will be granted.

4. Accordingly, *it is ordered,* pursuant to section 5(d) of the Communications Act of 1934, as amended, and § 0.331(b)(4) of the Commission's rules, that the above-described request filed by the Central Committee is granted. The time within which to file comments in the above-entitled proceeding is extended until October 26, 1973, and the time within which to file reply comments is extended until November 6, 1973.

Adopted: October 17, 1973.

Released: October 18, 1973.

[SEAL] CHARLES A. HIGGINBOTHAM,
Acting Chief, Safety and Special Radio Services Bureau.

[FR Doc.73-22932 Filed 10-26-73;8:45 am]

[47 CFR Part 15]

[Docket No. 19846; FCC 73-1075]

BIOMEDICAL RADIO TELEMETERING SYSTEMS

Notice of Proposed Rule Making

In the matter of amendment of Part 15 of the Commission's rules and regulations to permit Biomedical Radio Telemetering in the Band 38-41 MHz.

1. On March 28, 1972, a petition (RM 1945) was filed by Cardiac Electronics, Inc. (Cardiac) requesting amendment of Part 15 of the Commission's Rules and Regulations to permit the use of low-power biomedical telemetering systems in the frequency band 40-42 MHz. Petitioner states that its proposed system cannot operate satisfactorily in the higher VHF bands recently provided for low-power biomedical telemetering in Docket No. 19231.[1]

2. The unique feature of the Cardiac system is a low-cost disposable low-power transmitter small enough to be taped directly to a patient's body. This capability, according to Cardiac, provides greater comfort and convenience to the patient as well as considerably lower costs. Other systems, Cardiac says, generally utilize larger, more powerful transmitters with sufficient range for use by ambulatory patients. Cardiac's unit, on the other hand, is very limited in power (producing a field of less than 10 uV/m at 50 feet) and intended for use only in cases involving heart patients who are either bedridden or restricted to a very small area. The intended effective range of the transmitter is 10 to 15 feet.

3. According to Cardiac, its objectives of cost and size for the proposed unit could not be achieved if the transmitter were required to operate in the higher VHF range (174 to 216 MHz). Oscillator instability at that order of frequency, it says, would necessitate the use of crystal controlled transmitters resulting in prohibitive increases in circuit complexity, battery drain, size and cost.

4. Petitioner claims to have tested the heart monitoring system in several cities and found the requested band to be acceptably free of interference. At 200 kHz per channel, the 40-42 MHz band would provide up to 10 channels, allowing several simultaneous monitoring operations within the same hospital and providing a certain degree of flexibility in selecting channels to avoid local sources of interference that may exist in the band. The proposed band is presently allocated primarily to Government radio services, with a provision for industrial, scientific and medical (ISM) equipment of the type regulated under Part 18 of the Commission's Rules.[2] Also, a small segment of the band is allocated on a secondary basis to the space research service for space-to-earth transmission pursuant to footnote US 94 of § 2.106 of the rules.

5. Because the proposed band is allocated for use by agencies of the Federal Government, the petition was coordinated with the Office of Telecommunications Policy (OTP), The Interdepartment Radio Advisory Committee, which advises the OTP on such matters, concurred in the proposal but recommended use of the band 38-41 MHz in lieu of the band proposed by Cardiac. This new band is more compatible with Government requirements and, being three megahertz wide instead of two, would provide additional channel capacity in certain areas. However, it should be recognized that

[1] FCC Report and Order, adopted Mar. 8, 1972, published in the FEDERAL REGISTER Mar. 16, 1972, 37 FR 5497.

[2] The proposed Cardiac device is a telecommunication device and is therefore not included within the definition of ISM equipment as found in Part 18 of the rules.

the 39–40 MHz non-Government portion of this band is heavily used in many areas by non-Government land mobile systems and that there are also a significant number of Government stations (some of high power) operating in the Government segments of the band, 38–39 and 40–41 MHz.

6. The band segment 38–38.25 MHz is also used for radio astronomy observations pursuant to footnote U.S. 81 of § 2.106. Although such operations are very sensitive to interference from electromagnetic emitters, it appears that interference from the proposed telemetering device would be negligible because of the extremely low power and restricted usage contemplated. Therefore, we are not proposing any special geographical limitation on the use of the Cardiac system such as had been proposed in Docket No. 19231 in connection with the use of higher power Part 15 medical telemetering devices in other radio astronomy bands.[3]

7. In its comments, the IRAC also expressed concern that the heart monitoring system should incorporate adequate safeguards to minimize the risk of harm being caused to a patient due to interference from regularly authorized stations in the band. In this connection, Cardiac has informed the Commission that the telemetering system is specifically designed to reduce its susceptibility to interfering signals. For example, the receiver and antenna combination is designed for use in very close proximity to the transmitter and is therefore insensitive to most interfering signals, which in effect would appear to be weaker. Interference is further minimized in the receiver by the use of audio band pass filtering and a broad band FM discriminator demodulator. Cardiac further states that, in the unlikely event interference does occur, the usual result would be a false alarm. If this happens frequently the transmitter unit is simply replaced with one on another channel.

The only potential danger, according to Cardiac, exists when the interference causes a normal reading during a time when a patient is actually experiencing an abnormal heart condition. But the probability of this situation occurring it says, is very remote.[4]

8. Based on the information now before us it would appear that the proposed rule changes are justified and in the best interest of the public. Accordingly, we are proposing to amend Part 15 of the Commission's Rules and Regulations to provide for the operation of low power biomedical telemetering equipment in the band 38–41 MHz. Conditions and limitations on the use of such systems are covered in the proposed rules as set forth below.

[3] The final rules adopted in Docket No. 19231 did not provide for operation on frequencies used for radio astronomy in order to avoid interference to that service.

[4] This matter was detailed in correspondence to the Commission from the petitioner, dated Dec. 13, 1972, which has been made part of the public record of this proceeding.

9. The proposed amendment to the rules, as set forth below, is issued pursuant to authority contained in sections 4(i) and 303(e), (f) and (g) of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before November 30, 1973 and reply comments on or before December 11, 1973.

11. All relative and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its headquarters in Washington, D.C.

12. In accordance with the provisions of Section 1.419 of the Commission's Rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission:

Adopted: October 17, 1973.

Released: October 24, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 15 of Chapter I of Title 47 of the Code of Federal Regulations would be amended as follows:

1. Section 15.201 would be amended by adding a new paragraph (e) to read as follows:

§ 15.201 Frequencies of operation.

* * * * *

(e) Biomedical telemetering devices may be operated on the frequencies and under the conditions set out in § 15.216.

2. Section 15.216 would be amended by deleting the present text of paragraphs (a), (b) and (c) and inserting the following new text:

§ 15.216 Biomedical telemetering devices.

(a) Biomedical telemetering devices may be operated in the following frequency bands:

38–41 MHz
174–216 MHz

Operation in these bands is not subject to the duty cycle limitation in § 15.211 (a)(3).

NOTE.—Section 15.3 requires that a biomedical telemetering device operating under the provisions of this section must accept harmful interference. Adequate safeguards shall be incorporated into any such biomedical telemetry system (as a cardiac monitoring system) to minimize the risk of harm to the patient as a result of interference received by such a system from any authorized radio service.

(b) Biomedical telemetry devices may operate with a bandwidth of 200 kHz subject to the conditions in paragraph (c) of this section.

(c) The emissions from a biomedical telemetering device shall not exceed the field strength limits given below.

Operating frequency MHz	Field strength	
	On the operating frequency	On harmonics and other spurious emissions on frequencies outside the authorized bandwidth
38–41	10 uv/m @3'	10 uv/m @10'.
174–216	150 uv/m @100'	15 uv/m @100'.

* * * * *

[FR Doc.73-22927 Filed 10-26-73;8:45 am]

[47 CFR Part 25]

[Docket No. 19770]

COMMUNICATIONS SATELLITE CORP.

Order Extending Time

In the matter of amendment of Part 25 of the Commission's rules and regulations with respect to Commission authorization of the issuance of securities, borrowing of money, or assumption of obligations in respect of the securities of another person by the Communications Satellite Corporation.

1. The Communications Satellite Corporation (Comsat) and COMSAT General Corporation (Comsat General) have filed a joint request, dated October 17, 1973, to extend to November 24, 1973, the time for filing comments in the above-referenced proceeding.

2. By Orders, released July 24, 1973 (38 FR 20275), and September 25, 1973 (38 FR 27228), the Chief, Common Carrier Bureau extended the original time for filing comments in this proceeding. These extensions were granted on condition that Comsat or Comsat General notify the Commission at least 60 days in advance should either corporation propose to engage in any financing during the period prior to final Commission action on the rules proposed in this proceeding.

3. The last extension of time was granted to provide time to consider the relationship between the comments in this proceeding and the Commission's Memorandum Opinion, Order and Authorization (FCC 73-958), issued on September 12, 1973, concerning Comsat's applications for a domestic satellite system, which required Comsat to submit to the Commission within 60 days a revised plan for the financing of Comsat General. Comsat and Comsat General state that since they are still considering the complex questions involved in a new financing plan and are thus not yet in a position "to consider definitely the potential impact of the proposed financial rules in Docket No. 19770 on a specific plan for financing Comsat General or to evaluate fully the compatability of such a plan with the proposed rules." They therefore request an extension of time for comments until a reasonable time after the date set by the Commission for submission of a revised plan for financing Comsat General.

4. Accordingly, pursuant to § 0.303(c) of the Commission's Rules and Regulations, since good cause has been shown to exist, *It is ordered,* That the time for filing comments in the above-referenced proceeding is extended until November 26, 1973, and the time for filing reply comments is extended until December 7, 1973, provided that Comsat and Comsat General comply with the condition mentioned in paragraph 2 above, which was contained in the July 24, 1973, order in this proceeding.

Adopted: October 19, 1973.

Released: October 23, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] A. C. ROSEMAN,
Chief, International & Satellite Communications Division.

[FR Doc.73-22930 Filed 10-26-73;8:45 am]

[47 CFR Part 73]

[Docket No. 19692]

ANTENNA MONITORS IN STATIONS WITH DIRECTIONAL ANTENNAS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission's Rules and Regulations to establish standards for the design and installation of sampling systems for antenna monitors in standard broadcast stations with directional antennas.

1. On February 21, 1973, the Commission adopted a notice of inquiry and notice of proposed rulemaking in the above-captioned proceeding and publication in the FEDERAL REGISTER was given on March 2, 1973 (38 FR 5666). Comment and reply comment dates have been previously extended by an Order of September 21, 1973, to October 19 and November 2, 1973, respectively.

2. On October 17, 1973, counsel for the Association of Federal Communications Consulting Engineers (AFCCE) filed a request for an extension of time in which to file comments to and including October 30, 1973. Counsel states that the Rules and Standards Committee of AFCCE has been working on the preparation of comments on behalf of the Association and the Committee's draft has been essentially completed. He further states the additional time is required to revise certain portions of the draft in order to reach an agreement of the members before filing with the Commission.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Therefore, *it is ordered,* That the time for filing comments and reply comments in this proceeding are extended to and including October 30 and November 13, 1973, respectively.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's Rules and Regulations.

Adopted: October 17, 1973.

Released: October 18, 1973.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-22931 Filed 10-26-73;8:45 am]

[47 CFR Part 73]

[Docket No. 19848; FCC 73-1088]

FM BROADCAST STATIONS

Proposed Table of Assignment, Monte Rio, Calif.

In the matter of amendment of section 73.202(b), Table of Assignments, FM Broadcast Stations. (Monte Rio, California)

1. The Commission has before it a petition for rulemaking filed by Communications Associates (C.A.); an opposition to the petition filed by Redwood Empire Stereocasters ("Redwood") licensee of Station KZST(FM), Santa Rosa, California, and C.A.'s reply to the opposition. Various informal filings have also been received.

2. C.A. seeks the assignment of Channel 249A at Monte Rio, California. The proposed assignment would meet all applicable spacing requirements and would not require any changes in existing assignments. Monte Rio, an unincorporated community about 16 miles west of Santa Rosa, has no current FM assignments. The dispute between the parties centers on two points; the adequacy of service in the area and Monte Rio's need for an FM assignment.

3. According to C.A., Monte Rio's population is 1,200 while Redwood contends that the figure is only 900. Since the 1970 Census reports list all unincorporated communities over 1,000 population and since Monte Rio was not listed, it appears that Monte Rio's population was not then 1,000. This, of course, does not tell us what Monte Rio's population was in 1970 or what it is today. Accordingly, we need more precise information on this score, as well as a better defined sense of the community's boundaries. Maps of appropriate scale would be beneficial in resolving this point. Even the larger figure supplied by C.A. is rather low and leaves unsettled the question of whether the community is large enough to warrant an assignment. To help us resolve this question we need more data on several points. In addition to the population of Monte Rio, we need to know about other nearby population centers and information on area business activities. By this we do not mean just the number of businesses in the area (as to which the parties have supplied widely divergent figures) but a better notion of the volume of business they do. Apparently, this is a tourist area, but the data on the number of tourists who visit the area and the length of the tourist season is scanty.

4. C.A. asserts that a first FM service could be brought to 15,248 persons but Redwood disputes this. Redwood apparently agrees that some first FM service could result. Although we would welcome any additional showings on this point, it is not central to the case as matters now stand. Rather, since some first FM service would result, the question is one of using Monte Rio as the location for a station to provide it. Thus, we need to consider not only Monte Rio's viability but the possibility of other locations as well. Even though we reserve judgment on all of the points at issue, we do believe that the subject warrants exploration, and comments on the proposal are invited.

5. Showings required. All parties, including the petitioner, should file comments with respect to the need of the proposed assignment. Failure of the petitioner to file any further pleadings may lead to a denial of its request.

6. Cut-off procedure. The following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in this proceeding, and Public Notice to that effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

7. In view of the foregoing and pursuant to authority contained in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, we propose for consideration the following revisions in our FM Table of Assignments (Section 73.202(b) of the rules) with respect to the city listed below:

City	Channel No.	
	Present	Proposed
Monte Rio, Calif.		249A

8. Pursuant to applicable procedures set out in section 1.415 of the Commission's Rules and Regulations, interested parties may file comments on or before November 30, 1973, and reply comments on or before December 11, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties, shall be made in written comments, reply comments, or other appropriate pleadings.

9. In accordance with the provisions of section 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular hours in the Commission's Public Reference Room at its headquar-

ters, 1919 M Street NW., Washington, D.C.

Adopted: October 17, 1973.

Released: October 24, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.73-22929 Filed 10-26-73;8:45 am]

[47 CFR Part 87]

[Docket No. 19847; FCC 73-1079]

VISUAL INDICATOR OF TRANSMITTER OPERATION

Proposed Transmitter Control Requirements

In the matter of amendment of § 87.75 of the rules to require aircraft to be equipped with a visual indicator of transmitter operation; RM No. 1800.

1. Notice of proposed rule making is hereby given in the above-entitled matter.

2. The Federal Aviation Administration (FAA) has petitioned the Commission to amend § 87.75(d)(1) of its rules to require that aircraft stations be equipped with a visual indicator of transmitter operation. In response to the Public Notice of the filing of the FAA petition, various comments in support of or in opposition to the request were filed.

3. Due to complicating factors raised by these comments, the Chief, Safety and Special Radio Services Bureau, requested the FAA to supplement its petition for rule making by documenting the scope of the problem alleged to exist because of the lack or a requirement for a visual indicator of transmitter operation and to address certain other factors, e.g., the suggested timing of such a requirement.

4. On February 2, 1973, the FAA furnished the requested supplementary information and recommendations in support of its petition for rule making. By Order, released April 24, 1973 (FCC 73-406), the Commission authorized the filing of this supplementary information and provided that comments thereon could be filed until June 1, 1973, and reply comments thereon could be filed until July 2, 1973.

5. The Commission has duly considered all comments received. While many of these comments disfavor the proposed rule amendment, the Commission is persuaded that the FAA has adequately established the fact that blocked frequencies are a fairly frequent and potentially dangerous occurrence and that a visual indicator would minimize the frequency of this occurrence. In a matter involving aircraft safety, the Commission should resolve doubts in favor of safety.

6. The rule amendment hereby proposed would require aircraft stations to have a visual indicator of transmitter operation. The required indicator must be an "active" indicator, that is, it must measure radio frequency output rather than merely indicate that the radio is on or off.

7. Many of the comments addressed themselves to the timing of this requirement. FAA addressed itself to this problem in its submission of the supplementary information. FAA states, and we agree, that the initiation of this requirement should be tied to the date or dates of eventual transition to 25 kHz channel spacing in aeronautical communications. This will permit the "designing in" of the required indicator in conjunction with the replacement of equipment which will result from the transition to 25 kHz channel spacing. Accordingly, a note to Section 87.75 of the rules, which ties the proposed requirement to the transition to 25 kHz channel spacing, is also proposed.

8. Accordingly, and for the reasons set forth above, the proposed amendments, as set forth below, are issued pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

9. Pursuant to the applicable procedures set forth in section 1.415 of the Commission's rules, interested persons may file comments on or before November 30, 1973, and reply comments on or before December 11, 1973. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

10. In accordance with section 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission. Responses will be available for public inspection during the regular business hours in the Docket Reference Room at its headquarters in Washington, D.C.

Adopted: October 17, 1973.

Released: October 24, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations would be amended as follows:

1. Section 87.75(d) would be amended and a note added after paragraph (e) to read as follows:

§ 87.75 Transmitter control requirements.

* * * * * * *

(d) * * *

(1) A device which will provide continuous visual indication when the transmitter is radiating or when the transmitter control circuits have been placed in a condition to produce radiation: *Provided, however,* That in aircraft stations, this provision applies only to transmitters used for voice communications, and *Provided further,* That the indicator in aircraft stations shall be actuated by radio-frequency output from the transmitter.

* * * * *

NOTE: The requirement of a visual indicator of transmitter radiation in aircraft stations shall become effective concurrently with the effective date or dates eventually established for the transition to 25 kHz channel spacing in the aviation services.

[FR Doc.73-22923 Filed 10-26-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-405-A]

RELIABILITY OF ELECTRIC AND GAS SERVICE

Order Establishing Hearing To Show Cause Why Uncommitted Gas Reserve Data Should Not Be Produced in Nationwide Investigation

OCTOBER 15, 1973.

Proceedings in the above-captioned docket are instituted in order to facilitate an expedited hearing requiring named producers to show cause why they should not be compelled to submit the completed questionnaire attached to the Commission's order issued August 1, 1973, in Docket No. R-405, entitled "Order Updating Nationwide Investigation". On November 4, 1970, in Docket No. R-405, the Commission issued a notice of investigation and proposed rulemaking with respect to developing emergency plans for natural gas sales. Information elicited from the natural gas industry was sought in order to enable the Commission to assess the adequacy and reliability of the gas supply and deliverability necessary to meet consumer demand for the 1970-1971 winter season and for four succeeding winter seasons.

At the time of issuance of the proposed rulemaking, evidence of anticipated curtailment of necessary gas services impelled the Commission to initiate continuing affirmative measures in order to obtain reliable, factual information on which to base its decisions. The public interest required the assembly of information as to the sources of available gas supplies and as to both existing and anticipated facilities to deliver such gas to meet consumer demands. Such information was sought in order to determine terms and conditions in a rule or rules to minimize, if not avoid, the consequences of any emergency gas shortages.

Pursuant to the proposed rulemaking and in implementation thereof, in a letter dated November 20, 1970, Commission investigatory officers directed 75 gas producers to respond on forms eliciting the information necessary for the Commission to consider. These 75 gas producers represented all large gas producers whose individual jurisdictional sales of natural gas totaled in excess of 10 million Mcf annually. The form responses were designed to cover separately the two time frames set forth in the notice of rulemaking in Docket No. R-405.

In September 1972, it was evident that the industry was unable to meet consumer demand. By that date 27 natural gas pipeline companies, which are subject to Commission jurisdiction, filed pipeline curtailment plans pursuant to Order No. 431, 45 FPC 570 (1971). On

September 12, 1972, the Commission issued an order updating the investigation begun in November 1970. Proposed amendments to the Commission's regulations promulgated in the initial notice in R–405 remain under consideration by the Commission.

The responses received pursuant to the letter of November 20, 1970, and pursuant to Commission order of September 1972 were particularly useful to the Commission in enabling it to assess problems which arose as a result of shortages in the gas supply and to take steps designed to meet them.

To enable the Commission to have a more comprehensive assessment of the gas supply problems prevailing in the industry, the Commission on August 1, 1973, issued an order entitled "Order Updating Nationwide Investigation". Data almost identical in form to that previously supplied was sought for evaluation and appropriate action. As part of a continuing investigation, the Commission sought an update for two time periods, as of December 31, 1972, and as of June 30, 1973. The Commission expressed its concern for accurate, comprehensive, detailed information in the August 1, 1973, order and it stated that the sources of information may be subject to audit by the Commission's staff.

Because of steps required to be taken by the Commission pursuant to Congressional subpoena duces tecum issued June 21, 1973, treatment of information submitted pursuant to this order cannot be accorded the confidentiality heretofore authorized and honored by the Commission. The Commission's orders issued November 4, 1970, and September 12, 1972, providing for the nationwide investigations of reserves of natural gas directed that the reserves data submitted pursuant thereto would be held in a confidential status in accordance with the provisions of section 8(b) of the Natural Gas Act, 15 U.S.C. 717g(b), and the Freedom of Information Act, 4 U.S.C. 552(b)(4) and (9).

The Chairman of the Senate Judiciary Committee's Subcommittee on Antitrust and Monopoly requested disclosure to the Subcommittee and the Federal Trade Commission of such data, and our efforts to comply with such requests as fully as possible without violating the conditions of confidentiality under which the reserves data had been obtained were unavailing. Instead, the Chairman of the Subcommittee, acting on behalf of the Subcommittee, issued a subpoena duces tecum directing the Commission's Chairman to appear before the Subcommittee on June 26, 1973, and to produce all data in the Commission's possession, custody or control or of any member or employee thereof referring or relating to the Commission's order dated September 12, 1972, including all workpapers and composites resulting from the material received in connection with that order.

In order to avoid placing the Commission's Chairman in jeopardy of contempt of Congress by refusing to disclose the data protected by our order of September 12, 1972, by order issued June 22, 1973, the Chairman was authorized to deliver under protest the data described in the subpoena. The Commission has no knowledge as to whether the Subcommittee intends to maintain the confidential status of the subpoenaed data, publicly to disclose such data, or to disclose such data to the Federal Trade Commission. Inasmuch as the protection heretofore provided for proprietary data can no longer be assured, we are unable to represent to the respondents that the data submitted will not be made public.

In its order of August 1, 1973, in Docket No. R–405, the Commission stated that it would not "require filing of the data herein sought until any producer who opposes the filing of data without an assurance of confidentiality has been afforded an opportunity for hearing on this issue."[1] In Ordering Paragraph 4 of that order the Commission provided that if voluntary response to the data request in the order of August 1, 1973, in Docket No. R–405 was insufficient for Commission assessment of gas supply and deliverability appropriate proceedings would be instituted to consider whether the reporting and disclosure of uncommitted reserve data by producers should be compelled.

The Commission has received 82 responses from the 85 companies[2] that were requested to respond to the questionnaire attached to the order of August 1, 1973, in Docket No. R–405. Three firms have failed to respond to the August 1, 1973, order and to a letter of inquiry dated September 5, 1973, as to the producer's intention to respond.[3] Of 82 firms which responded, 13 firms declined to voluntarily provide the requested data.[4] The information voluntarily provided by 69 respondents has been placed in the public files.

The Commission has reviewed the data submitted in questionnaire form pursuant to the August 1, 1973, order in Docket No. R–405 and has determined that there is not sufficient information to enable the Commission to adequately assess uncommitted domestic natural gas reserves. Accordingly, the Commission pursuant to Ordering Paragraph 4 of the order issued August 1, 1973, in Docket No. R–405, establishes an expedited hearing procedure.

At this hearing, producers not responding to the August 1, 1973, data request and producers declining voluntarily to submit the data request will show cause as to why, if there be any, the Commission should not compel named producers to submit the completed questionnaire attached to the Commission's order issued August 1, 1973, in Docket No. R–405, entitled "Order Updating Nationwide Investigation". This questionnaire is set forth once again in Appendix B of this order.

At this hearing the producers listed in Appendix A as respondents in this proceeding shall present evidence in support of their position. Members of the Staff of the Commission shall submit evidence relating to public interest requirements relating to disclosing or not disclosing the requested uncommitted reserve data.

Producers may submit the completed questionnaire to the Commission within 10 days of the issuance of this order in lieu of appearing at the hearing and presenting evidence.

The Commission orders

(A) The parties listed in Appendix A hereto as respondents, producers who have not filed pursuant to the August 1, 1973, order in R–405, in this proceeding shall show cause why, if there be any, they should not be compelled to submit the completed questionnaire attached to the Commission order issued August 1, 1973, in Docket No. R–405, entitled "Order Updating Nationwide Investigation" and set forth in this order in Appendix B, wherein the parties are put on notice that such information will be made available to the public and shall be subject to audit of Commission Staff.

(B) In lieu of responding at a hearing to this show cause order, respondents listed in Appendix A attached hereto may file the completed questionnaire set forth in Appendix B. It shall be submitted in hand to Mr. Leon H. Friedlander at Room 7312L, 825 North Capitol Street, NE., Washington, D.C. 20426, in a sealed envelope marked "Response To Order Issued October 15, 1973" on or before 10 days from the date of issuance of this order. Any questions regarding said forms should be directed to Mr. Friedlander, who may be reached by telephone at 202–386–5735.

(C) For the purposes of this investigation, any responses submitted in compliance herewith shall be made available for inspection or copying by the public. Individual company information received as a result of this continued investigation will not be maintained in confidential status. The Commission cannot, in the light of Congressional demands as above set forth, assure confidential status for the data to be submitted pursuant to this order. See "Order Of Modification To Authorize Compliance With Congressional Subpoena Duces Tecum" issued June 22, 1973, in this docket. It should be noted that all responses shall be made at the Federal Power Commission offices in Washington, D.C.

(D) Parties who have previously responded to the Commission's order issued August 1, 1973, in Docket No. R–405, may present evidence in this proceeding on

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[1] Reliability of Electric and Gas Service, Docket No. R–405, issued August 1, 1973.

[2] These 85 companies are the large gas producers whose individual jurisdictional sales of natural gas totaled in excess of 10 million Mcf annually.

[3] These three firms are Clinton Oil Co., Helmerich & Payne, Inc., and North East Blanco Development Corp.

[4] These firms are Amerada Hess Corp., Ashland Oil, Inc., Edwin L. Cox, Forest Oil Corp., King Resources Co., Lone Star Producing Co., Mobil Oil Corp., Northern Natural Gas Producing Co., Pennzoil Co., Pennzoil Producing Co., Tenneco Oil Co., TransOcean Oil Inc., and Imperial American Resources Fund, Inc.

the issue of compulsory compliance with an order which may be issued herein. Any person desiring to be heard or to make any protest with reference to this proceeding should on or before October 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

(E) A public hearing is required wherein the respondent producers listed in Appendix A attached hereto shall show cause, if there be any, why they should not be compelled to submit the completed questionnaire attached hereto in Appendix B, shall be held commencing November 5, 1973, at 10:00 a.m., (e.s.t.), in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(G) Producers listed in Appendix A attached hereto, the Commission Staff, and any other party offering evidence shall file their direct testimony and evidence on or before October 30, 1973, in accordance with the Commission's rules of practice and procedure.

(H) All rebuttal testimony and evidence shall be tendered for receipt into the record at the hearing.

(I) The Presiding Administrative Law Judge's decision shall be rendered on or before November 16, 1973. All briefs on exceptions shall be due on or before November 23, 1973, and replies thereto shall be due on or before November 28, 1973.

(J) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.[5]

[SEAL] MARY B. KIDD,
Acting Secretary.

APPENDIX A

Clinton Oil Co.[1]
Helmerich & Payne, Inc.[1]
North East Blanco Development Corp.[1]
Amerada Hess Corp.
Ashland Oil, Inc.
Edwin L. Cox
Forest Oil Corporation
King Resources Co.
Lone Star Producing Co.
Mobil Oil Corp.
Northern Natural Gas Producing Co.
Pennzoil Co.
Pennzoil Producing Co.
Tenneco Oil Co.
TransOcean Oil Inc.
Imperial American Resources Fund Inc.

[5] Page 3 of Appendix B-8 of Docket No. R-405, issued August 1973, was inadvertently omitted by the Federal Power Commission. It is filed as part of the original document (Docket No. R-405A).

APPENDIX B-1

Q. A. Will you please state your name, the name of your company and your position with the company?

Q. B. Are you authorized by your company to furnish the information requested in the following interrogatories?

Q. C. If not, will you please state the name or names of the official or officials of your company who have such information?

Q. D. Do you understand that the designated Commission employee will combine the information obtained from you with information obtained from others and file a composite report in the public files in Docket No. R-405?

CERTIFICATION

I certify that the information hereon is correct to the best of my knowledge.

APPENDIX B-2

Q. E. Will you please state the net working interest volumes, including associated royalty interest volumes, of proved recoverable reserves of non-associated natural gas in MMcf, at 14.73 p.s.i.a. and 60° Fahrenheit, that your company had available for sale as of December 31, 1972, for the areas hereinafter designated? (For the purpose of questions E-J, the term "proved reserves" is used as defined by the Committee on Natural Gas Reserves of the American Gas Association and such definition is set forth on Appendix B-8 of this letter. The volumes held "available for sale" in questions E-J are those which are not covered by gas purchase contracts and are not reserved for direct industrial contracts, not company use-warranty gas or not company use-fuel and feedstock.)

What are the volumes in:

1. Alaska?
2. Northern Arkansas?[1]
3. Southern Arkansas?
4. California?
5. Offshore California?[2]
   a. Federal
   b. State
6. Colorado?
7. Illinois?
8. Indiana?
9. Kansas?
10. Kentucky?
11. North Louisiana?
12. South Louisiana?
13. Offshore Louisiana?[2]
    a. Federal
    b. State
14. Michigan?
15. Mississippi?
16. Montana?
17. Nebraska?
18. Northwest New Mexico?
19. Southeast New Mexico?
20. New York?
21. North Dakota?
22. Ohio?
23. Oklahoma Panhandle area?[3]
24. Oklahoma Anadarko area?
25. Eastern Oklahoma?
26. Pennsylvania?
27. Texas Railroad District No. 5?
28. Texas Railroad District No. 10?
29. Texas Railroad District Nos. 8, 8A, 7B and 7C?
30. Texas Railroad District Nos. 5 and 6?
31. Texas Railroad District Nos. 1, 2, 3 and 4?
32. Offshore Texas?[2]
    a. Federal
    b. State
33. Utah?
34. Virginia?
35. West Virginia?
36. Wyoming?
37. Miscellaneous areas?[4]
38. What is the total of the volumes furnished in response to questions 1-37?

[1] No response as of October 15, 1973.

APPENDIX B-3

Q. F. Will you please state the net working interest volumes, including royalty interest volumes, of proved recoverable reserves of associated and dissolved natural gas in MMcf, at 14.73 p.s.i.a. and 60° Fahrenheit, that your company had available for sale as of December 31, 1972, for the areas hereinafter designated?

What are the volumes in:

1. Alaska?
2. Northern Arkansas?[1]
3. Southern Arkansas?
4. California?
5. Offshore California?[2]
   a. Federal
   b. State
6. Colorado?
7. Illinois?
8. Indiana?
9. Kansas?
10. Kentucky?
11. North Louisiana?
12. South Louisiana?
13. Offshore Louisiana?[2]
    a. Federal
    b. State
14. Michigan?
15. Mississippi?
16. Montana?
17. Nebraska?
18. Northwest New Mexico?
19. Southeast New Mexico?
20. New York?
21. North Dakota?
22. Ohio?
23. Oklahoma Panhandle area?[3]
24. Oklahoma Anadarko area?
25. Eastern Oklahoma?
26. Pennsylvania?
27. Texas Railroad District No. 9?
28. Texas Railroad District No. 10?
29. Texas Railroad District Nos. 8, 8A, 7B and 7C?
30. Texas Railroad District Nos. 5 and 6?
31. Texas Railroad District Nos. 1, 2, 3 and 4?
32. Offshore Texas?[2]
    a. Federal
    b. State
33. Utah?
34. Virginia?
35. West Virginia?

[1] For the purpose of questions 2 and 3, Arkansas is divided between North and South by base line separating townships North and South.

[2] For the purpose of this question, the offshore area shall be measured from the coastline seaward.

[3] For the purpose of questions 23-25, Oklahoma is divided between Eastern and Western Oklahoma by the central Oklahoma Indian Meridian separating Ranges E and W. Western Oklahoma is further divided between Hugoton and Anadarko by the Panhandle Meridian separating Ranges E and W.

[4] For the purpose of this question, the Miscellaneous areas shall include Alabama, Arizona, Florida, Iowa, Maryland, Minnesota, Missouri, South Dakota, Tennessee, and Washington.

36. Wyoming?
37. Miscellaneous areas? [4]
38. What is the total of the volumes furnished in response to questions 1–37?

APPENDIX B–4

Q. G. Will you please state the total net working interest volumes, including royalty interest volumes, of proved recoverable reserves of non-associated and of associated and dissolved natural gas in MMcf, at 14.73 p.s.i.a. and 60° Fahrenheit, that your company had available for sale as of December 31, 1972, for the areas hereinafter designated?

What are the volumes in:

1. Alaska?
2. Northern Arkansas? [1]
3. Southern Arkansas?
4. California?
5. Offshore California? [2]
   a. Federal
   b. State
6. Colorado?
7. Illinois?
8. Indiana?
9. Kansas?
10. Kentucky?
11. North Louisiana?
12. South Louisiana?
13. Offshore Louisiana? [2]
   b. State
   a. Federal
14. Michigan?
15. Mississippi?
16. Montana?
17. Nebraska?
18. Northwest New Mexico?
19. Southeast New Mexico?
20. New York?
21. North Dakota?
22. Ohio?
23. Oklahoma Panhandle area? [3]
24. Oklahoma Anadarko area?
25. Eastern Oklahoma?
26. Pennsylvania?
27. Texas Railroad District No. 9?
28. Texas Railroad District No. 10?
29. Texas Railroad District Nos. 8, 8A, 7B and 7C?
30. Texas Railroad District Nos. 5 and 6?
31. Texas Railroad District Nos. 1, 2, 3 and 4?
32. Offshore Texas? [2]
   a. Federal
   b. State
33. Utah?
34. Virginia?
35. West Virginia?
36. Wyoming?
37. Miscellaneous areas? [4]
38. What is the total of the volumes furnished in response to questions 1–37?

APPENDIX B–5

Q. H. Will you please state the net working interest volumes, including royalty interest volumes, of proved recoverable reserves of non-associated natural gas in MMcf, at 14.73 p.s.i.a. and 60° Fahrenheit, that your company had available for sale as of June 30, 1973, for the areas hereinafter designated?

What are the volumes in:

1. Alaska?
2. Northern Arkansas? [1]
3. Southern Arkansas?
4. California?
5. Offshore California? [2]
   a. Federal
   b. State
6. Colorado?
7. Illinois?
8. Indiana?
9. Kansas?
10. Kentucky?
11. North Louisiana?
12. South Louisiana?
13. Offshore Louisiana? [2]
   a. Federal
   b. State
14. Michigan?
15. Mississippi?
16. Montana?
17. Nebraska?
18. Northwest New Mexico?
19. Southeast New Mexico?
20. New York?
21. North Dakota?
22. Ohio?
23. Oklahoma Panhandle area? [3]
24. Oklahoma Anadarko area?
25. Eastern Oklahoma?
26. Pennsylvania?
27. Texas Railroad District No. 9?
28. Texas Railroad District No. 10?
29. Texas Railroad District Nos. 8, 8A, 7B and 7C?
30. Texas Railroad District Nos. 5 and 6?
31. Texas Railroad District Nos. 1, 2, 3 and 4?
32. Offshore Texas? [2]
   a. Federal
   b. State
33. Utah?
34. Virginia?
35. West Virginia?
36. Wyoming?
37. Miscellaneous areas? [4]
38. What is the total of the volumes furnished in response to questions 1–37?

APPENDIX B–6

Q. I. Will you please state the net working interest volumes, including royalty interest volumes, of proved recoverable reserves of associated and dissolved natural gas in MMcf, at 14.73 p.s.i.a. and 60° Fahrenheit, that your company had available for sale as of June 30, 1973, for the areas hereinafter designated?

What are the volumes in:

1. Alaska?
2. Northern Arkansas? [1]
3. Southern Arkansas?
4. California?
5. Offshore California? [2]
6. Colorado?
7. Illinois?
8. Indiana?
9. Kansas?
10. Kentucky?
11. North Louisiana?
12. South Louisiana?
13. Offshore Louisiana? [2]
   a. Federal
   b. State
14. Michigan?
15. Mississippi?
16. Montana?
17. Nebraska?
18. Northwest New Mexico?
19. Southeast New Mexico?
20. New York?
21. North Dakota?
22. Ohio?
23. Oklahoma Panhandle area? [3]
24. Oklahoma Anadarko area?
25. Eastern Oklahoma?
26. Pennsylvania?
27. Texas Railroad District No. 9?
28. Texas Railroad District No. 10?
29. Texas Railroad District Nos. 8, 8A, 7B and 7C?
30. Texas Railroad District Nos. 5 and 6?
31. Texas Railroad District Nos. 1, 2, 3 and 4?
32. Offshore Texas? [2]
   a. Federal
   b. State
33. Utah?
34. Virginia?
35. West Virginia?
36. Wyoming?
37. Miscellaneous areas? [4]
38. What is the total of the volumes furnished in response to questions 1–37?

APPENDIX B–7

Q. J. Will you please state the *total* net working interest volumes, including royalty interest volumes, of proved recoverable reserves of non-associated and of associated and dissolved natural gas in MMcf, at 14.73 p.s.i.a. and 60° Fahrenheit, that your company had available for sale as of June 30, 1973, for the areas hereinafter designated?

What are the volumes in:

1. Alaska?
2. Northern Arkansas? [1]
3. Southern Arkansas?
4. California?
5. Offshore California? [2]
   a. Federal
   b. State
6. Colorado?
7. Illinois?
8. Indiana?
9. Kansas?
10. Kentucky?
11. North Louisiana?
12. South Louisiana?
13. Offshore Louisiana? [3]
   a. Federal
   b. State
14. Michigan?
15. Mississippi?
16. Montana?
17. Nebraska?
18. Northwest New Mexico?
19. Southeast New Mexico?
20. New York?
21. North Dakota?
22. Ohio?
23. Oklahoma Panhandle area? [3]
24. Oklahoma Anadarko area?
25. Eastern Oklahoma?
26. Pennsylvania?
27. Texas Railroad District No. 9?
28. Texas Railroad District No. 10?
29. Texas Railroad District Nos. 8, 8A, 7B and 7C?
30. Texas Railroad District Nos. 5 and 6?
31. Texas Railroad District Nos. 1, 2, 3 and 4?
32. Offshore Texas? [2]
   a. Federal
   b. State
33. Utah?
34. Virginia?
35. West Virginia?
36. Wyoming?
37. Miscellaneous areas? [4]
38. What is the total of the volumes furnished in response to questions 1–37?

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[1] For the purpose of questions 2 and 3, Arkansas is divided between North and South by base line separating townships North and South.

[2] For the purpose of this question, the offshore area shall be measured from the coastline seaward.

[3] For the purpose of questions 23–25, Oklahoma is divided between Eastern and Western Oklahoma by the central Oklahoma Indian Meridian separating Ranges E and W. Western Oklahoma is further divided between Hugoton and Anadarko by the Panhandle Meridian separating Ranges E and W.

[4] For the purpose of this question, the Miscellaneous areas shall include Alabama, Arizona, Florida, Iowa, Maryland, Minnesota, Missouri, South Dakota, Tennessee, and Washington.

APPENDIX B-8

PROVED NATURAL GAS RESERVES AVAILABLE FOR SALE[1]

(MMCF at 14.73 p.s.i.a., 60° F.)

State	Volumes as of December 31, 1972			Volumes as of June 30, 1973		
	Non-associated	Associated-dissolved	Total	Non-associated	Associated-dissolved	Total
Alaska						
Arkansas:[2]						
Northern						
Southern						
California:						
Offshore California[3]						
a. Federal						
b. State						
Colorado						
Illinois						
Indiana						
Kansas						
Kentucky						
Louisiana:						
North						
South						
Offshore[3]						
a. Federal						
b. State						
Michigan						
Mississippi						
Montana						
Nebraska						
New Mexico:						
Northwest						
Southwest						
New York						
North Dakota						
Ohio						
Oklahoma:[4]						
Panhandle						
Anadarko						
Eastern						
Pennsylvania						
Texas:						
RR. Dist. No. 9						
RR. Dist. No. 10						
RR. Dist. Nos. 8, 8A, 7B, 7C						
RR. Dist. Nos. 5, 6						
RR. Dist. Nos. 1, 2, 3, 4						
Offshore[3]						
a. Federal						
b. State						
Utah						
Virginia						
West Virginia						
Wyoming						
Miscellaneous[5]						
Total						

[1] Proved Reserves are, using the definition of the Committee on Natural Gas Reserves of the American Gas Association, as follows:

"The current estimated quantity of natural gas which analysis of geologic and engineering data demonstrate with reasonable certainty to be recoverable in the future from known oil and gas reservoirs under existing economic and operating conditions. Reservoirs are considered proved that have demonstrated the ability to produce by either actual production or conclusive formation test.

"The area of a reservoir considered proved is that portion delineated by drilling and defined by gas-oil, gas-water, or oil-water contracts or limited by structural deformation or lenticularity of the reservoir. In the absence of fluid contracts, the lowest known structural occurrence of hydrocarbons controls the proved limits of the reservoir. The proved area of a reservoir may also include the adjoining portions not delineated by drilling but which can be evaluated as economically productive on the basis of geological and engineering data available at the time the estimate is made. Therefore, the reserves reported by the Committee include total proved reserves which may be in either the drilled or the undrilled portions of the field or reservoir."

[FR Doc.73-22505 Filed 10-25-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-405-A]

RELIABILITY OF ELECTRIC AND GAS SERVICE

Extension of Time and Postponement of Hearing

OCTOBER 26, 1973.

On October 15, 1973, the Commission issued an Order Establishing Hearing To Show Cause Why Uncommitted Gas Reserve Data Should Not Be Produced In Nationwide Investigation. Through unanticipated administrative delay, service of process and publication in the FEDERAL REGISTER were delayed.

Upon consideration, notice is hereby given that the procedural dates in Docket No. R-405-A are modified as follows:

All protests and petitions to intervene shall be filed on or before, November 7, 1973.

All direct testimony and evidence shall be filed on or before, November 12, 1973.

All rebuttal testimony and evidence shall be filed on or before the day the hearing commences, November 19, 1973.

Hearing shall commence, November 19, 1973.

Administrative Law Judge's Initial Decision to be rendered on or before, December 7, 1973.

All briefs on exceptions shall be due on or before, December 14, 1973.

Replies to briefs on exceptions shall be due on or before, December 19, 1973.

In lieu of responding at hearing, the completed questionnaire shall be submitted pursuant to Ordering Paragraph (B) on or before, November 9, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-23133 Filed 10-26-73;11:03 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Public Debt Series—No. 8–73]

TREASURY NOTES OF SERIES H–1975

Offering of Notes

OCTOBER 25, 1973.

I. OFFERING OF NOTES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 99.51 percent of their face value for $1,500,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series H–1975. The interest rate for the notes will be publicly announced by the Secretary of the Treasury on October 29, 1973. An additional amount of the notes may be allotted by the Secretary of the Treasury to Government accounts and Federal Reserve Banks at the average price of accepted tenders in exchange for Treasury bonds maturing November 15, 1973. Tenders will be received up to 1:30 p.m., Eastern Standard time, Wednesday, October 31, 1973, under competitive and noncompetitive bidding, as set forth in Section III hereof. The 4⅛ percent Treasury Bonds of 1973, maturing November 15, 1973, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. DESCRIPTION OF NOTES

1. The notes will be dated November 15, 1973, and will bear interest from that date, payable on a semiannual basis on June 30 and December 31, 1974, and June 30 and December 31, 1975. They will mature December 31, 1975, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20222, up to the closing hour, 1:30 p.m., Eastern Standard time, Wednesday, October 31, 1973. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the price offered, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Tenders at a price less than 99.51 will not be accepted. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the 4⅛ percent Treasury Bonds of 1973 which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and price range of accepted bids. Those submitting tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those at the highest prices will be accepted to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept less than $1,500,000,000 of tenders, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated price from any one bidder will be accepted in full at the average price[1] (in two decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., Eastern Standard Time, Wednesday, October 31, 1973.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before November 15, 1973, at the Federal Reserve Bank or Branch or at the Office of the Treasurer of the United States, Washington, D.C. 20222, in cash, 4⅛ percent Treasury Bonds of 1973 (interest coupons dated November 15, 1973, should be detached) or other funds immediately available by that date. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not

furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities submitted and the amount payable on the notes allotted.

V. ASSIGNMENT OF REGISTERED SECURITIES

1. Registered securities tendered as deposits and in payment for notes allotted hereunder are not required to be assigned if the notes are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the notes, signed by the owner or his authorized representative, must accompany the securities presented. Otherwise, the securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. Notes to be registered in names and forms different from those in the inscriptions or assignments of the securities presented should be assigned to "The Secretary of the Treasury for Treasury Notes of Series H–1975 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon Treasury Notes of Series H–1975 to be delivered to _____." Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20222. The securities must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.73-23107 Filed 10-26-73;10:05 am]

[Public Debt Series—No. 9–73]

TREASURY NOTES OF SERIES C–1979

Offering of Notes

I. OFFERING OF NOTES

OCTOBER 25, 1973.

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 98.51 percent of their face value for $2,000,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series C–1979. The interest rate for the notes will be publicly announced by the Secretary of the Treasury on October 29, 1973. An additional amount of the notes may be allotted by the Secretary of the Treasury to Government accounts and Federal Reserve Banks at the average price of accepted tenders in exchange for Treasury bonds maturing November 15, 1973. Tenders will be received up to 1:30 p.m., Eastern Standard time, Tuesday, October 30, 1973, under competitive and noncompetitive bidding, as set forth in Section III hereof. The 4⅛ percent Treasury Bonds of 1973, maturing November 15, 1973, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. DESCRIPTION OF NOTES

1. The notes will be dated November 15, 1973, and will bear interest from that date, payable semiannually on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1979, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20222, up to the closing hour, 1:30 p.m., Eastern Standard time, Tuesday, October 30, 1973. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the price offered, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Tenders at a price less than 98.51 will not be accepted. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government acounts. Tenders from others must be accompanied by payment (in cash or the 4⅛ percent Treasury Bonds of 1973 which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and price range of accepted bids. Those submitting tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those at the highest prices will be accepted to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept less than $2,000,000,000 of tenders, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated price from any one bidder will be acepted in full at the average price[1] (in two decimals) of accepted competitive tenders.

[1] Average price may be at, or more or less than 100.00.

4. All bidders are required to agree not to purchase or sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., Eastern Standard time, Tuesday, October 30, 1973.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before November 15, 1973, at the Federal Reserve Bank or Branch or at the Office of the Treasurer of the United States, Washington, D.C. 20222, in cash, 4⅛ percent Treasury Bonds of 1973 (interest coupons dated November 15, 1973, should be detached) or other funds immediately available by that date. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities submitted and the amount payable on the notes allotted.

V. ASSIGNMENT OF REGISTERED SECURITIES

1. Registered securities tendered as deposits and in payment for notes allotted thereunder are not required to be assigned if the notes are to be registered in the same names and form as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the notes, signed by the owner or his authorized representative, must accompany the securities presented. Otherwise, the securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. Notes to be registered in names and forms different from those in the inscriptions or assignments of the securities presented should be assigned to "The Secretary of the Treasury for Treasury Notes of Series C–1979 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon Treasury Notes of Series C–1979 to be delivered to _____." Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20222. The securities must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.73-23108 Filed 10-26-73;10:05 am]

[Public Debt Series—No. 10-73]

7½ PERCENT TREASURY BONDS OF 1988–93

Offering of Bonds

OCTOBER 25, 1973.

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 95.30 percent of their face value for $300,000,000, or thereabouts, of bonds of the United States, designated 7½ percent Treasury Bonds of 1988–93. An additional amount of the bonds may be allotted by the Secretary of the Treasury to Government accounts and Federal Reserve Banks in exchange for Treasury bonds maturing November 15, 1973. Tenders on a competitive or noncompetitive basis will be received up to 1:30 p.m., Eastern Standard time, Wednesday, October 31, 1973. The price for the bonds will be established as set forth in Section III hereof. The 4⅛ percent Treasury Bonds of 1973, maturing November 15, 1973, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. DESCRIPTION OF BONDS

1. The bonds now offered will be identical in all respects with the 7½ percent Treasury Bonds of 1988–93 issued pursuant to Department Circular, Public Debt Series—No. 6–73, dated July 26, 1973, except that interest will accrue from November 15, 1973. With this exception the bonds are described in the following quotation from Department Circular No. 6–73:

"1. The bonds will be dated August 15, 1973, and will bear interest from that date at the rate of 7½ percent per annum, payable semiannually on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1993, but may be redeemed at the option of the United States on and after August 15, 1988, in whole or in part, at par and accrued interest on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption, the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

"2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, of the possessions of the United States, or by any local taxing authority.

"3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

"4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

"5. The bonds will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States bonds."

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20222, up to the closing hour, 1:30 p.m., Eastern Standard time, Wednesday, October 31, 1973. Each tender must state the face amount of bonds bid for, which must be $1,000 or a multiple thereof, and the price offered except that in the case of noncom-

[1] Average price may be at, or more, or less than $100.00.

petitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals in a multiple of .05, e.g., 100.10, 100.05, 100.00, 99.95, etc. Fractions may not be used.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or 4⅛ percent Treasury Bonds of 1973 which will be accepted at par) of 5 percent of the face amount of bonds applied for.

3. In considering the acceptance of tenders, those at the highest prices will be accepted in full to the extent required to attain the amount offered; provided, however, that tenders at the lowest of such accepted prices will be prorated if necessary. All tenders so accepted will be allotted at the price of the lowest accepted tender. Those submitting tenders will be advised of the acceptance, and awarded price, or the rejection of their bids. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept less than $300,000,000 of tenders, and his action in any such respect shall be final. Subject to these reservations noncompetitive tenders for $250,000 or less will be accepted in full at the same price as accepted competitive tenders. The price may be $100.00, or more or less than $100.00.

4. All bidders are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any bonds of this issue at a specific rate or price, until after 1:30 p.m., Eastern Standard time, Wednesday, October 31, 1973.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. Payment

1. Settlement for accepted tenders at the price established by the auction plus $18.75 per $1,000 for accrued interest from August 15 to November 15, 1973, must be made or completed on or before November 15, 1973, at the Federal Reserve Bank or Branch or at the Office of the Treasurer of the United States, Washington, D.C. 20222, in cash, 4⅛ percent Treasury Bonds of 1973 (interest coupons dated November 15, 1973, should be detached) or other funds immediately available by that date. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities submitted and the amount payable on the bonds allotted.

V. Assignment of Registered Securities

1. Registered securities tendered as deposits and in payment for bonds allotted hereunder are not required to be assigned if the bonds are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the bonds, signed by the owner or his authorized representative, must accompany the securities presented. Otherwise, the securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. Bonds to be registered in names and forms different from those in the inscriptions or assignments of the securities presented should be assigned to "The Secretary of the Treasury for 7½ percent Treasury Bonds of 1988–93 in the name of (name and taxpayer identifying number)." If bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 7½ percent coupon Treasury Bonds of 1988–93 to be delivered to _____." Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20222. The securities must be delivered at the expense and risk of the holder.

VI. General Provisions

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of bonds on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.73-23109 Filed 10-26-73;10:05 am]

Bureau of Alcohol, Tobacco and Firearms

GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Bickers, Terrence S., 2903 Brookmere Road, Charlottesville, Virginia, convicted on July 27, 1970, in the Corporation Court of the City of Charlottesville, Virginia, and on November 26, 1971, in the Albemarle, Virginia, County Court.

Bradley, John R., P.O. Box 774, Radcliff, Kentucky, convicted on September 8, 1948, in the Grayson County Circuit Court, Leitchfield, Kentucky, and on or about July 29, 1949, in the Jefferson County Circuit Court, Louisville, Kentucky.

Clark, Denny R., 7422 Spartan Avenue, Norfolk, Virginia, convicted on October 22, 1965, in the Corporation Court, Part II, Norfolk, Virginia.

Curry, Daniel L., 13016 Southeast 102d Street, Renton, Washington, convicted on January 4, 1968, in the Superior Court for the County of King, State of Washington.

Davis, George C., 215 Northeast 52d Street, Pompano Beach, Florida, convicted on March 6, 1944, in the Nassau County Court, New York.

Felereisen, Sharon Kay Pilgrim, 725-A South Ann Boulevard, Harkers Heights, Texas, convicted on October 13, 1969, in the United States District Court, District of Arizona.

Hodges, Ronald Patrick Lee, 1590 Anna Road, Anderson, California, convicted on or about September 23, 1958, in the Superior Court in and for the County of Glenn, Willows, California, and on November 5, 1959, in the Superior Court of the State of Washington.

Kirk, Laurence S., 9046 Louisiana Street, Fairchild Air Force Base, Washington, convicted on June 1, 1971, in the United States District Court for the Eastern District of Washington, Northern Division.

Kirkbride, Ralph D., P.O. Box 157, Chicora, Pennsylvania, convicted on April 12, 1967, in the Court of Oyer and Terminer, Butler, Pennsylvania; April 17, 1967, in the Court of Quarter Sessions, Indiana, Pennsylvania; April 21, 1967, in the Court of Quarter Sessions, Armstrong County, Pennsylvania; and June 13, 1967, in the Court of Oyer and Terminer, Allegheny County, Pennsylvania.

Laffler, Robert, 8823 Mt. Shasta, El Paso, Texas, convicted on April 7, 1967, in the District Court of El Paso, Texas, 34th Judicial District.

Powell, Merle Lee, 6303 Southwest 18th, Des Moines, Iowa, convicted on October 1, 1969, in the Polk County District Court, Iowa.

Provost, Jr., Carroll A., 2850 Goldenrod Circle West, Jacksonville, Florida, convicted on October 9, 1968, in the Criminal Court, Duval County, Florida.

Robertson, Robert Leon, P.O. Box 258, Cherokee Village, Arkansas, convicted on April 21, 1953, in the Corporation Court of the City of Charlottesville, Virginia.

Stallings, Robert F., 621 Clairmount, Detroit, Michigan, convicted on September 20, 1940, in the Recorder's Court, Detroit, Michigan.

Terrell, Sr., Willie Lee, 33 Savannah Street, Newman, Georgia, convicted on March 5, 1941, in the Coweta County Superior Court, Newman, Georgia.

Signed at Washington, D.C., this 17th day of October 1973.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.73-22905 Filed 10-26-73;8:45 am]

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE SECOND NATIONAL BANK REGION

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Second National Bank Region will be held at 8:30 a.m. on November 2-3, 1973, at Dorado Beach Hotel, Dorado Beach, Puerto Rico.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Second National Bank Region.

It is hereby determined pursuant to section 19(d) of Public Law 92-463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4), and (8) thereof, and is therefore exempt from the provisions of section 10(a)(1) and (a)(3) of the Act (Public Law 92-463) relating to open meetings and public participation therein.

Dated: October 24, 1973.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.73-22941 Filed 10-26-73;8:45 am]

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE EIGHTH NATIONAL BANK REGION

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Eighth National Bank Region will be held at 9 a.m. on November 9, 1973, at The Board Room, The First National Bank of Gatlinburg, Gatlinburg, Tennessee.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Eighth National Bank Region.

It is hereby determined pursuant to section 19(d) of Public Law 92-463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4), and (8) thereof, and is therefore exempt from the provisions of section 10(a)(1) and (a)(3) of the Act (Public Law 92-463) relating to open meetings and public participation therein.

Dated: October 24, 1973.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.73-22942 Filed 10-26-73;8:45 am]

Internal Revenue Service

[Order No. 97 (Rev. 11)]

ASSISTANT COMMISSIONER (TECHNICAL) ET AL.

Delegation of Authority

Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7121-1(a); Treasury Department Order No. 150-32, dated November 18, 1953; Treasury Department Order No. 150-36, dated August 17, 1954 (C.B. 1954-2, 733); and Treasury Department Order No. 150-83, dated August 21, 1973, subject to the transfer of authority cov-

ered in Treasury Department Order No. 221, dated June 6, 1972.

1. The Asistant Commissioner (Technical) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

2. The Assistant Commissioner (Compliance) is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods. The Assistant Commissioner (Compliance) is also authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) with respect to the performance of his functions as the competent authority in the administration of the operating provisions of the tax conventions of the United States.

3. Regional Commissioners; Assistant Regional Commissioners (Appellate); Assistant Regional Commissioners (Audit); District Directors; Director of International Operations; Chiefs, Associate Chiefs, Assistant Chiefs, and Conferee-Special Assistants, Appellate Branch Offices, are hereby authorized in cases under their jurisdiction (but excluding cases docketed before the United States Tax Court) to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods.

4. Regional Commissioners; Assistant Regional Commissioners (Appellate); Chiefs, Associate Chiefs, Assistant Chiefs, and Conferee-Special Assistants, Appellate Branch Offices, are hereby authorized in cases under their jurisdiction docketed in the United States Tax Court to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) but only in respect to related specific items affecting other taxable periods.

5. The Director of International Operations is hereby authorized to enter into and approve a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) to provide for the mitigation of economic double taxation under section 3 of Revenue Procedure 64-54, C.B. 1964-2, 1008, under Revenue Procedure 72-22, I.R.B. 1972-13, and under Revenue Procedure 69-13, C.B. 1969-1, 402, and to enter into and approve a written agreement providing the treatment available under Revenue Procedure 65-17, C.B. 1965-1, 833.

6. The authority delegated herein does not include the authority to set aside any closing agreement.

7. Authority delegated in this Order may not be redelegated, except that the Assistant Commissioner (Technical) may redelegate the authority contained in paragraph 1 to the Deputy Assistant Commissioner (Technical) and to the Technical Advisors on the Staff of the Assistant Commissioner (Technical) for cases that do not involve precedent issues and the Assistant Commissioner (Compliance) may redelegate the authority contained in paragraph 2 of this Order to the Deputy Assistant Commissioner (Compliance).

8. Delegation Order No. 97 (Rev. 10) issued July 14, 1971 is hereby superseded.

Effective: October 19, 1973.

Issued: October 19, 1973.

[SEAL] DONALD C. ALEXANDER, *Commissioner.*

[FR Doc.73-22943 Filed 10-26-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 9540 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 18, 1973.

The Bureau of Sport Fisheries and Wildlife, Department of the Interior, has filed an application, Serial No. OR 9540 (Wash.) for the withdrawal of public lands described below from all forms of appropriation under the public land laws, including the mining laws but not from leasing under the mineral leasing laws. The lands consist of 84 small islands, island groups, rocks, or reefs located in the San Juan Islands Group offshore from the mainland of the State of Washington.

Ten of these islands have already been withdrawn and set aside as national wildlife refuges pursuant to Executive Order 1959, Executive Order 7595, Public Land Order 4889, Public Land Order 2249, and Public Land Order 4148. The applicant desires to consolidate all of the islands under one new refuge to be designated as the San Juan Islands National Wildlife Refuge which will facilitate the management of migratory birds for which the United States has a responsibility under international treaties and to further effectuate the purposes of the Migratory Bird Conservation Act.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than November 26, 1973, to the undersigned officer of the Bureau of Land Management, Department of the Interior (729 NE. Oregon Street), P.O. Box 2965, Portland, Oregon 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the additional 74 islands will be withdrawn as requested by the Bureau of Sport Fisheries and Wildlife. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved are islands, and are shown on United States Coast and Geodetic Survey Chart No. 6380 on file in this office. The islands are all unsurveyed except as otherwise noted and are described as follows:

WILLAMETTE MERIDIAN, WASHINGTON

*Asterisks identify legal descriptions of surveyed lands.
Legal descriptions appearing in parentheses indicate unsurveyed lands, and are tentative.

No.	Name	Description	Remarks
1	Small island 0.1 acre	48°29'45" N./122°61'42" W. (T. 35 N., R. 1 W., sec. 29)	
2	2 unnamed islands 0.5 acre	48°25'64" N./122°43'35" W. (T. 35 N., R. 1 W., sec. 32) 48°25'45" N./122°43'42" W. (T. 35 N., R. 1 W., sec. 32)	2 small islands directly northeast of Ram Island.
3	Unnamed island 3.2 acres	48°27'6" N./122°43'15" W. (T. 34 N., R. 1 W., sec. 5)	Known as Fortress Island.
4	Unnamed island 0.5 acre	48°27'64" N./122°43'64" W. (T. 34 N., R. 1 W., sec. 5)	Known as Skull Island.
5	Unnamed island 0.5 acre	48°27'45" N. 122°43'35" W. (T. 34 N., R. 1 W., sec. 7)	Known as Crab Island.
6	Boulder Island 0.9 acres	48°25'64" N./122°45'00" W. (T. 34 N., R. 1 W., secs. 21, 22)	
7	Davidson rock 0.1 acre	48°24'45" N./122°45'33" W. (T. 34 N., R. 1 W., sec. 28)	
8	Castle Island 0.3 acres	48°25'15" N./122°43'15" W. (T. 34 N., R. 1 W., sec. 21)	
9	3 unnamed islands 3 acres	48°25'27" N./122°43'33" W. (T. 34 N., R. 1 W., sec. 20)	3 islets located immediately west of Castle Island.
10	3 unnamed rocks 3.2 acres	48°25'27" N./122°43'45" W. (T. 34 N., R. 1 W., sec. 19)	3 rocky islets situated at the south side of the entrance to Alack Bay, known as Alack Rocks.

WILLAMETTE MERIDIAN, WASHINGTON—Continued

No.	Name	Description	Remarks
11	Unnamed island, 1 acre.	48°25'03" N./122°50'48" W. (T. 34 N., R. 1 W., sec. 19).	Known as Swirl Island.
12	Unnamed rock, 0.3 acre.	48°25'39" N./122°50'18" W. (T. 34 N., R. 1 W., sec. 20).	Located in Hughes Bay.
*13	4 unnamed islands, 3 acres.	48°25'12" N./122°51'58" W. (T. 34 N., R. 2 W., sec. 24).	A circular island 200 yards offshore of Lopez Island, with 3 bare islands nearby.
14	3 unnamed islands, 1 acre.	48°25'09" N./122°53'06" W. (T. 34 N., R. 2 W., sec. 24).	Rocky islets extending off the south end of a small point 60 to 80 yards from Lopez Island.
*15	Hall Island, 3.9 acres.	48°26'05" N./122°54'37" W. (T. 34 N., R. 2 W., sec. 15, lot 8; sec. 22, lot 1).	
16	Unnamed island, 0.5 acre.	48°26'09" N./122°54'43" W. (T. 34 N., R. 2 W., sec. 15).	
*17	Secar Rock, 0.89 acre.	48°26'16" N./122°54'21" W. (T. 34 N., R. 2 W., sec. 14, lot 11).	Named Secor Rocks on Survey Plat.
18	Unnamed rock, 0.5 acre.	48°26'30" N./122°54'00" W. (T. 34 N., R. 2 W., sec. 14).	Know as Round Rock. Located about 375 yards east of Charles Island and immediately northeast of Secar Rock.
19	3 unnamed islets, 1 acre.	48°26'21" N./122°55'03" W. (T. 34 N., R. 2 W., sec. 15).	3 rocky islets located just offshore at Long Island.
20	13 unnamed, 3 acres.	48°26'18" N./122°55'30" W. (T. 34 N., R. 2 W., sec. 15).	13 small islets and rocks located off the south shore of Long Island.
*21	Mummy Rocks, 0.76 acre.	48°26'57" N./122°55'40" W. (T. 34 N., R. 2 W., sec. 10, lots 8 and 9; sec. 15, lots 6 and 7).	3 islands.
22	5 unnamed islets 1 acre	48°27'33" N./122°56'33" W. (T. 34 N., R. 2 W., sec. 9).	Approximately 350 yards offshore from Lopez Island, associated with and separated from Deadman Island by 50 to 100 yards.
23	Shark Reef 1 acre	48°28'36" N./122°56'48" W. (T. 35 N., R. 2 W., sec. 33) (T. 34 N., R. 2 W., sec. 4).	
24	Harbor Rock 0.5 acre	48°28'12" N./122°58'09" W., (T. 34 N., R. 2 W., sec. 5).	
25	Unnamed rock 0.5 acre	48°28'18" N./122°59'45" W. (T. 34 N., R. 3 W., sec. 1).	Known as North Pacific Rock.
*26	Half Tide Rocks 0.02 acre	48°28'45" N./122°59'54" W. (T. 35 N., R. 3 W., sec. 36, lot 5).	Appears as 2 rocks.
27	7 unnamed islands 1 acre	48°28'07" N./123°03'03" W. (T. 34 N., R. 3 W., sec. 3).	A series of 7 rocky islets which are part of a long reef extending out from the southwest end of San Juan Island.
*28	Low island 0.5 acre	48°32'38" N./123°09'48" W. (T. 35 N., R. 4 W., sec. 11, lot 5).	
29	Unnamed island 0.5 acre	48°36'03" N./123°10'00" W. (T. 36 N., R. 4 W., sec. 23).	Known as Pole Island.
30	Barren Island 3 acres	48°37'24" N./123°09'36" W. (T. 36 N., R. 4 W., sec. 14).	
31	Battleship Island 5 acres	48°37'30" N./123°11'00" W. (T. 36 N., R. 4 W., sec. 10).	
32	Unnamed rock 0.5 acre	48°38'27" N./123°09'21" W. (T. 36 N., R. 4 W., sec. 2).	Known as Sentinel Rock.
33	Center reef 2 acres	48°38'12" N./123°09'30" W. (T. 36 N., R. 4 W., sec. 11).	
34	Gull Reef 0.5 acre	48°39'18" N./123°03'45" W. (T. 37 N., R. 4 W., sec. 36).	
35	Ripple Island 3.2 acres	48°39'27" N./123°07'45" W. (T. 37 N., R. 4 W., sec. 36).	
36	Unnamed reef 0.5 acre	48°39'15" N./123°07'57" W. (T. 37 N., R. 4 W., sec. 36).	Known as Shag Reef.
*37	Unnamed island 0.76 acre	48°33'54" N./123°07'24" W. (T. 36 N., R. 3 W., sec. 6, lot 3).	Known as Little Cactus Island.
*38	Gull Rock 1.34 acres	48°39'06" N./123°03'18" W. (T. 36 N., R. 3 W., sec. 5, lot 2).	
*39	Flattop Island 49 acres	48°33'50" N./123°04'50" W. (T. 36 N., R. 3 W., sec. 4, lot 1; sec. 5, lot 1).	
40	White Rocks 1.5 acres	48°40'06" N./123°04'12" W. (T. 37 N., R. 3 W., sec. 27).	Consists of 1 large island and 1 very small islet.
41	Monatt Reef 2.5 acres	48°41'06" N./123°02'45" W. (T. 37 N., R. 3 W., sec. 23).	
42	Skipjack Island 20 acres	48°44'00" N./123°02'00" W. (T. 37 N., R. 3 W., sec. 2).	
43	Unnamed island 0.5 acre	48°44'00" N./123°01'42" W. (T. 37 N., R. 3 W., sec. 1) (T. 38 N., R. 3 W., sec. 36).	
44	Clements Reef 0.5 acre	48°46'39" N./122°53'21" W. (T. 38 N., R. 2 W., sec. 13).	

WILLAMETTE MERIDIAN, WASHINGTON—Continued

No.	Name	Description	Remarks
45	Unnamed island 1 acre	48°46'10" N./122°52'39" W. (T. 38 N., R. 2 W., sec. 24).	
*46	Parker Reef 0.02 acre	48°43'33" N./122°53'34" W. (T. 37 N., R. 2 W., sec. 1, lots 1 and 2).	
47	The Sisters 6 acres	48°41'39" N./122°45'24" W. (T. 37 N., R. 1 W., sec. 13).	The Sisters Islands consist of 3 islands or islet groups.
48	Unnamed island 2 acres	48°41'24" N./122°45'30" W. (T. 37 N., R. 1 W., sec. 13).	Known as Little Sister Island.
49	Unnamed islet 0.2 acres	48°35'43" N./122°53'31" W. (T. 36 N., R. 2 W., sec. 20).	This is a small rocky islet located immediately east of Bell Island.
50	5 Unknown rocks 1.5 acre	48°34'42" N./122°53'48" W. (T. 36 N., R. 2 W., sec. 32).	A group of 5 rock clusters about 200 yards off the south shore of Shaw Island. Known as Tift Rocks.
51	Unnamed rock 0.2 acre	48°31'42" N./122°53'06" W. (T. 35 N., R. 2 W., sec. 17).	A barren rocky islet off Reef Point, San Juan Island.
52	Turn rock 0.1 acre	48°32'09" N./122°57'45" W. (T. 32 N., R. 2 W., sec. 17).	
53	Shag rock 1 acre	48°35'33" N/122°52'24" W. (T. 36 N., R. 1 W., sec. 10).	
54	Flower Island 4.6 acres	48°32'45" N./122°51'09" W. (T. 35 N., R. 1 W., sec. 7).	
*55	Willow Island 9.27 acres	48°32'26" N./122°49'16" W. (T. 35 N., R. 1 W., sec. 9, lot 4).	
56	Lawson Rock 2 acres	48°31'51" N./122°47'15" W. (T. 35 N., R. 1 W., sec. 10).	
57	Pointer Island 1 acre	48°32'18" N./122°46'51" W. (T. 35 N., R. 1 W., sec. 11).	
58	Black Rock 1 acre	48°32'48" N./122°45'51" W. (T. 35 N., R. 1 W., sec. 2).	
59	3 unnamed rocks 0.5 acre	48°35'12" N./122°48'06" W. (T. 36 N., R. 1 W., secs. 22, 27).	A group of 3 rocky islets o the northeast shore of Blakely Island.
60	Unnamed rock 0.2 acre	48°36'18" N./122°48'39" W. (T. 36 N., R. 1 W., sec. 15).	Known as Brown Rock.
61	Unnamed rock, 0.2 acre.	48°36'09" N./122°49'51" W. (T. 36 N., R. 1 W., sec. 16).	Rocky islet in east sound of Orcas Island, and 1 mile south of Buck Bay.
62	South Peapod Rock, 1 acre.	48°38'03" N./122°45'27" W. (T. 36 N., R. 1 W., sec. 1).	
63	Peapod Rocks, 1 acre.	48°38'24" N./122°45'04" W. (T. 36 N., R. 1 W., sec. 1) (T. 36 N., R. 1 E., sec. 6).	A group of 3 islets lying between north and south Peapod Rocks.
64	North Peapod Rock, 5.5 acres.	48°38'30" N./122°44'39" W. (T. 36 N., R. 1 E., sec. 6).	
65	Eliza Rock, 0.4 acre.	48°38'39" N./122°34'33" W. (T. 36 N., R. 2 E., sec. 5).	
66	Viti Rocks, 2.7 acres.	48°38'03" N./122°37'12" W. (T. 36 N., R. 1 E., secs. 1 and 12).	Consists o. 1 large island and a small islet to the southeast.
67	Dot Island, 2.5 acres.	48°32'00" N./122°33'06" W. (T. 35 N., R. 2 E., sec. 9).	Consists of 1 large island with a small islet immediately to the southwest.
*68	Unnamed rock, 0.5 acre.	48°35'54" N./123°00'51" W. (T. 36 N., R. 3 W., sec. 24, lot 8).	Known as Bird Rock.
69	Unnamed rocks, 0.5 acre.	48°35'30" N./123°02'06" W. (T. 36 N., R. 3 W., sec. 23).	Consist of a group of bare rocks west offshore from Yellow Island.
*70	Low island, 1.31 acres.	48°35'21" N./123°01'27" W. (T. 36 N., R. 3 W., sec. 24, lot 7).	
*71	Unknown island group and associated unsurveyed rocks, 1.42 acres.	48°35'28" N./123°01'02" W. (T. 36 N., R. 3 W., sec. 24, lots 5 and 6).	Known as Nob Island.
72	Unnamed island, 0.5 acre.	48°35'14" N./123°00'24" W. (T. 36 N., R. 2 W., sec. 30).	This is a small, circular island located about 150 yards off Shaw Island.
*73	Unnamed island 0.2 acre	48°35'02" N./123°00'42" W. (T. 36 N., R. 3 W., sec. 25, lot 3).	Small islet located about 150 yards west of Shaw Island.
74	Unnamed rocks 0.2 acre	48°30'17" N./123°00'22" W. (T. 35 N., R. 3 W., sec. 25).	This is a group of bare, rocky islets located about 200 yards south of Dinner Island.
75	Smith Island 62.8 acres	48°19'09" N./122°59'33" W. (T. 33 N., R. 1 W., sec. 29).	
76	Minor Island 2.2 acres	48°19'27" N./122°49'03" W. (T. 33 N., R. 1 W., sec. 23).	
77	Matia Island 145 acres	48°44'43" N./122°50'09" W. (T. 33 N., R. 1 W., secs. 29, 32, and 33).	
78	Puffin Island 10 acres	48°44'42" N./122°49'13" W. (T. 33 N., R. 1 W., sec. 33).	

WILLAMETTE MERIDIAN, WASHINGTON—Continued

No.	Name	Description	Remarks
*79	Turn Island 35.15 acres	48°32'06" N./122°57'47" W. (T. 35 N., R. 2 W., sec. 17, lot 1; sec. 18, lot 10).	
80	4 Bird Rocks, 3 acres	48°29'12" N./122°45'33" W. (T. 35 N., R. 1 W., sec. 36).	
*81	3 Williamson Rocks, 1.18 acres	48°26'58" N./122°42'18" W. (T. 34 N., R. 1 E., sec. 8, lots 1 and 2).	
82	Colville Island, 7 acres	48°24'57" N./122°49'18" W. (T. 34 N., R. 1 W., secs. 28, 29).	
*83	Buck Island, 1 acre	48°27'09" N./122°55'12" W. (T. 34 N., R. 2 W., sec. 10, lot 7).	
84	Bare Island, 3 acres	48°43'48" N./123°00'48" W. (T. 37 N., R. 3 W., sec. 1).	

IRVING W. ANDERSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.73-22763 Filed 10-26-73;8:45 am]

VALE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Vale District Advisory Board will hold a meeting on November 29, 1973, and January 16 and 17, 1974, at 9 a.m. The meeting will be held at the Vale District Office conference room 365 A St. West, Vale, Oregon. Agenda for the initial meeting will include: (1) District reports on temporary range use adjustments and proposed conversion for yearling operations; (2) review of wild free roaming horse and burro regulations; (3) discussion of proposed rule making; (4) considering applications and making recommendations for grazing privileges on National Resource Lands for the 1974 grazing season.

The agenda for the second meeting will include: (1) Hearing protests on proposed allocation of grazing privileges; (2) reports on district programs including range, watershed, lands and minerals, wildlife and recreation, and proposed plans for the following fiscal year.

The meetings will be open to the public as space allows. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. Written statements should be submitted to the Advisory Board Chairman, c/o District Manager, Bureau of Land Management, Post Office Box 700, Vale, Oregon 97918.

GEORGE R. GURR,
District Manager.

OCTOBER 16, 1973.

[FR Doc.73-22875 Filed 10-26-73;8:45 am]

OUTER CONTINENTAL SHELF, OFFSHORE LOUISIANA

Notice of Availability of Draft Environmental Impact Statement and of Public Hearing Regarding Possible Oil and Gas Lease Sale

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement relating to a possible Outer Continental Shelf general oil and gas lease sale of 215 tracts of submerged lands on the Outer Continental Shelf in the Gulf of Mexico offshore Louisiana.

Single copies of the draft environmental statement can be obtained from the Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Suite 3200, The Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240. Additional copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151.

Copies of the draft environmental statement will also be available for public review in the main public libraries in the following cities: Baton Rouge, Lafayette, and New Orleans, Louisiana.

A composite map of the area of the Gulf of Mexico offshore Louisiana, upon which tracts being considered for leasing have been depicted, and a listing of these tracts may also be obtained from either the Bureau of Land Management's New Orleans Outer Continental Shelf Office or the Office of Public Affairs, Bureau of Land Management at the above listed addresses.

In accordance with 43 CFR 3301.4, a public hearing will be held beginning at 9 a.m. on November 28, 1973, in the Tulane Room, Braniff Place, 1500 Canal Street, New Orleans, Louisiana 70112, for the purpose of receiving comments and suggestions relating to the possible lease sale. The hearing has been scheduled to extend through November 29.

The hearing will provide the Secretary with additional information from both the public and private sectors to help evaluate fully the potential effects of the possible offering of the 215 tracts on the total environment, aquatic resources, aesthetics, recreation and other resources in the entire area during the exploration, development, and operation phases of the leasing program.

The hearing will also provide the Secretary, under section 102(2)(C) of the National Environmental Policy Act of 1969, with the opportunity to receive additional comments and views of interested state and local agencies.

Interested individuals, representatives of organizations and public officials wishing to testify at the hearing are requested to contact the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the above listed address by 4:15 p.m., November 21, 1973. Written comments from those unable to attend the hearing should be addressed to the Director (Attn: 392), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240. The Department will accept written testimony and comments on the draft environmental statement until December 10, 1973. This should allow ample time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After all testimony and comments have been received and analyzed, a final environmental statement will be prepared.

ED HASTEY,
Acting Associate Director, Bureau of Land Management.

Approved: October 26, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-23161 Filed 10-26-73;12:09 pm]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

HANDLING OF ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Shippers Advisory Committee; Meeting

Pursuant to the provisions of section 10(a)(2) of Public Law 92-463, notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will meet in the auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., local time, on November 6, 1973.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes the receipt and review of market supply and demand information incidental to con-

sideration of the need for modification of current grade and size limitations applicable to domestic and export shipments of the named fruits, a shipping holiday regulation at Thanksgiving, and container and pack requirements for export shipments.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813–682–3103.

Dated October 25, 1973.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.73-23091 Filed 10-26-73;8:45 am]

Forest Service

GILA NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Gila National Forest Grazing Advisory Board will meet at 10 a.m., November 14, 1973 at Forest Service Conference Room, 304 North Hudson Street, Silver City, New Mexico. This meeting is being held as a substitute for the one originally scheduled for October 25, 1973.

The purpose of this meeting is:

1. Review and discuss a proposed adjustment in the grazing permit on the Devils Park Allotment, Glenwood Ranger District of the Gila National Forest.
2. Items or problems the Board may wish to discuss.
3. Items or problems which outside parties may wish to bring before the Board.

The meeting will be open to the public.

Dated October 17, 1973.

R. C. JOHNSON,
Forest Supervisor.

[FR Doc.73-22874 Filed 10-26-73;8:45 am]

Soil Conservation Service

FIRST CAPITOL WATERSHED PROJECT, WIS.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the First Capitol Watershed Project, Lafayette and Iowa Counties, Wisconsin, USDA–SCS–ES–WS–(ADM)–74–19(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and fish and wildlife improvement. The planned works of improvement include conservation land treatment, supplemented by 4 floodwater retarding structures and 1.5 miles of smallmouth bass stream improvement.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, P.O. Box 4248, Madison, Wis. 53711.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please use name and number of statement above when ordering. The estimated cost is $5.30.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Richard W. Akeley, State Conservationist, P.O. Box 4248, Madison, Wisconsin 53711.

Comments must be received on or before December 18, 1973 in order to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated October 19, 1973.

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.73-22873 Filed 10-26-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

MENTAL HEALTH SMALL GRANT COMMITTEE

Notice of Meeting

The Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, announces the meeting dates and other required information for the following National Advisory Body scheduled to assemble the month of November 1973.

Committee name	Date, time, place	Type of meeting and/or contact person
Mental Health Small Grant Committee.	November 12-13, 1973, 1 p.m., Suites 315 and 415, Fairfax Hotel, Washington, D.C.	Open 4 p.m.–5 p.m., November 12, Closed otherwise. Contact Stephanie B. Stolz, 301–443–4337, Parklawn Bldg., Room 10C14, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The committee is charged with the initial review of small grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health.

Agenda. From 4 p.m. to 5 p.m., November 12, the meeting will be open for discussion of administrative announcements and legislative developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92–463, Section 10(d).

Substantive information may be obtained from the contact person listed above.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of the committee members is Mr. Edward Long, Deputy Director, Office of Communications, National Institute of Mental Health, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443–3600.

Dated October 23, 1973.

HARRY CAIN,
Acting Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.73-22911 Filed 10-26-73;8:45 am]

Assistant Secretary for Administration and Management Office

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

Availability of Copies of Revised Compliance Procedures

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, Executive Order 11514, and the August 1, 1973, Council on Environmental Quality guidelines, 38 FR 20550, this Department has revised its compliance procedures, effective immediately. The revised procedures supersede the interim procedures published December 11, 1971, 36 FR 23676.

This Department is in the process of preparing propsed regulations to be published in the FEDERAL REGISTER later this year based on the text of these procedures. Copies of the procedures are available by contracting: Acting Director, Office of Environmental Affairs, Room 4740, HEW North, 330 Independence Ave. SW., Washington, D.C. 20201; or the Regional Environmental Officer for any of the Department's ten regional offices.

Dated: October 17, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.73-22964 Filed 10-26-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA–403–DR; Docket No. NFD–132]

KANSAS

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Kansas, dated September 28, 1973, and amended October 2, 1973, and October 4, 1973, is hereby further amended to include the following counties among those

counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 28, 1973.

The counties of:

Atchison	Lincoln
Brown	Linn
Coffee	Lyon
Cowley	Morris
Geary	Namaha
Greenwood	Pottawatomie
Jackson	Riley
Jefferson	Shawnee
	Woodson
	Wyandotte

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

Dated October 19, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-22923 Filed 10-26-73;8:45 am]

[FDAA-406-DR; Docket No. NFD-133]

NEBRASKA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11725 of June 27, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on October 20, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Nebraska resulting from severe storms and flooding, beginning about September 25, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Nebraska. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11725, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Francis X. Tobin, HUD Region 7, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Nebraska to have been adversely affected by this declared major disaster:

The Counties of:

Clay	Otoe
Gage	Pawnee
Jefferson	Richardson
Johnson	Saline
Nemaha	Thayer
Nuckolls	Webster

This disaster has been designated as FDAA-406-DR.

Dated October 20, 1973.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-22922 Filed 10-26-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR CARRIER DISTRICT OFFICE AT UTICA, N.Y. AND FLIGHT STANDARDS DISTRICT OFFICE AT ROCHESTER, N.Y.

Disestablishment and Establishment

Notice is hereby given that the Air Carrier District Office at Utica, New York, has been consolidated and incorporated within the existing General Aviation District Office at Rochester, New York, on September 1, 1973. Concurrently, the Rochester General Aviation District Office will be redesignated as a Flight Standards District Office. While continuing to provide services to general aviation, the Flight Standards District Office, in addition, has assigned responsibilities for air carrier services formerly provided by the Utica Air Carrier District Office. Communications to the Flight Standards District Office should be addressed as follows:

Flight Standards District Office, Department of Transportation, Federal Aviation Administration, Rochester-Monroe County Airport, Rochester, N.Y. 14624.

(Sec. 313(a), 72 Stat. 752 (49 U.S.C. 1354))

Issued in New York, N.Y., on August 15, 1973.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.73-22899 Filed 10-26-73;8:45 am]

AIR TRAFFIC CONTROL TOWER AT BLOOMINGTON, IND.

Notice of Commissioning

Notice is hereby given that on September 21, 1973 the Bloomington Air Traffic Control Tower at Monroe County Airport, Bloomington, Indiana, has been commissioned. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752 (49 U.S.C. 1354))

Issued in Des Plaines, Illinois, on August 31, 1973.

R. O. ZIEGLER,
Director, Great Lakes Region.

[FR Doc.73-22902 Filed 10-26-73;8:45 am]

AIR TRAFFIC CONTROL TOWER AT DANVILLE, ILL.

Notice of Commissioning

Notice is hereby given that on September 18, 1973, the Danville Air Traffic Control Tower located at Vermilion County Airport, Danville, Illinois, has been commissioned. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752 (49 U.S.C. 1354).)

Issued in Des Plaines, Illinois, on August 31, 1973.

R. O. ZIEGLER,
Director, Great Lakes Region.

[FR Doc.73-22901 Filed 10-26-73;8:45 am]

AIR TRAFFIC CONTROL TOWER AT WEST LAFAYETTE, IND.

Notice of Commissioning

Notice is hereby given that on August 30, 1973, the Lafayette Air Traffic Control Tower at Purdue University Airport, West Lafayette, Indiana, has been commissioned. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752 (49 U.S.C. 1354))

Issued in Des Plaines, Illinois, on August 27, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.73-22900 Filed 10-26-73;8:45 am]

Federal Highway Administration

LOUISIANA

Notice of Proposed Action Plan

The Louisiana Department of Highways has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) Public services; and (3) Costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Louisiana Department of Highways, Room 202, Highway Department Main Office Building, 1201 Capitol Access Road, Baton Rouge, La. 70804.
2. Louisiana Division Office—FHWA, Room 239, Federal Building, 750 Florida Street, Baton Rouge, La. 70801.
3. FHWA Regional Office—Region 6, 819 Taylor Street, Fort Worth, Tex. 76102.
4. U.S. Department of Transportation, Federal Highway Administration, Environmental Development Division, Nassif Building, Room 3246, 400 7th Street SW., Washington, D.C. 20590.

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before November 23, 1973.

Issued on October 23, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-22892 Filed 10-26-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-404, 50-405]

VIRGINIA ELECTRIC AND POWER CO.

Redesignation of Chairman

In the matter of Virginia Electric and Power Company (North Anna Power Station, Units 3 and 4).

The Chairman previously designated in this proceeding is unavailable for the conduct of this hearing. The previously designated Alternate Chairman is unavailable because of schedule conflicts.

Accordingly, John B. Farmakides, Esq., is appointed Chairman of this Board. His address is Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545. Reconstitution of the Board in this manner is in accordance with section 2.704 (d) of the rules of practice, as amended.

It is so ordered.

Dated at Washington, D.C., this 23d day of October 1973.

By the Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-22969 Filed 10-26-73;8:45 am]

[Docket 50-289]

METROPOLITAN EDISON COMPANY, ET AL.

Notice of Hearing

OCTOBER 25, 1973.

The evidentiary hearing[1] in the above entitled case will commence on Monday, November 5, 1973 at 10:00 a.m. local time in

Room No. 3, Public Utility Commission, Commerce and North Streets, Harrisburg, Pa. 17120.

Persons desiring to make limited appearances will be heard on Tuesday morning, November 6, 1973.

It is so ordered.

Issued at Washington, D.C., this 25th day of October, 1973.

For the Atomic Safety and Licensing Board:

CHARLES A. HASKINS,
Chairman.

[FR Doc.73-23005 Filed 10-26-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 23333; Order 73-10-72]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

OCTOBER 18, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate, as set forth below, reflecting a reduction from general cargo rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated October 10, 1973.

Specific commodity item No.	*Description and rate*
1081----------	Baby Poultry, 22.95 U.K. pence (60 U.S. cents) per kg., minimum weight 100 kgs., from Auckland to Pago Pago.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the condition hereinafter ordered.

Accordingly, *it is ordered* That:

Agreement C.A.B. 23990 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-22962 Filed 10-26-73;8:45 am]

CIVIL SERVICE COMMISSION

Commission on Civil Rights

REVOCATION OF AUTHORITY TO MAKE NONCAREER EXECUTIVE ASSIGNMENT

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Commission on Civil Rights to fill by noncareer executive assignment in the excepted service the position of Director, Congressional Liaison, Office of the Staff Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-22946 Filed 10-26-73; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Human Development, Office of the Assistant Secretary for Human Development, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-22952 Filed 10-26-73;8:45 am]

Department of the Interior

GRANT OF AUTHORITY TO MAKE NONCAREER EXECUTIVE ASSIGNMENT

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Director, National Park Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-22951 Filed 10-26-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

WATER QUALITY INFORMATION

Notice of Publication

Notice is hereby given that proposed Water Quality Information has this date been published by the Environmental Protection Agency as Volume II of a two-volume publication in accord with section 304(a)(2) of Public Law 92-500; 86 Stat.; 33 U.S.C. 1251. Notice of Availability for Volume I, Water Quality Criteria, was published earlier in the FEDERAL REGISTER.

Section 304(a)(2) of the Act requires that the Administrator (EPA) shall, within one year of enactment, publish, and revise from time to time thereafter, information on: (A) The factors necessary to restore and maintain the physical, chemical, and biological integrity of the Nation's waters; (B) the factors necessary for the protection and propagation of fish and wildlife and the protection of humans engaged in recreation in and on the water; (C) the measurment and classification of water quality; and (D) the identification of pollutants suitable for maximum daily load measurements.

The purpose of the Water Quality Information document is to provide users of the Water Quality Criteria with background information on the factors necessary for restoring the integrity of the Nation's waters. It contains information

[1] For further information regarding this proceeding see orders of this Board dated September 13 and October 16, 1973, on file in the Public Proceedings Branch, AEC, 1717 H Street NW., Washington, D.C.; and in the Government Publication Section, State Library of Pennsylvania, Education Building, Box 1601, Harrisburg, Pennsylvania.

on man made and natural polluting constituents, available measurment techniques, methodology for bioassays and methods for overall classification of water quality. It also specifies that all pollutants described in Volume I, Water Quality Criteria, are potentially suitable for maximum daily load restriction. However, the existence of Water Quality Standards is a prerequisite for making this determination. Only those pollutants which have a specific limiting value in the Standards or those pollutants whose effects are specifically limited in the Standards are suitable for maximum daily load.

A period of 180 days will be allowed for the receipt of comments. Limited copies will be available at the headquarters of the Environmental Protection Agency, Washington, D.C. 20460, Office of Public Affairs, ten EPA regional offices and each of the State water pollution control agencies. To be considered, comments must be submitted in writing to the Director, Division of Water Quality and Non-Point Source Control, Environmental Protection Agency, Washington, D.C. 20460, on or before April 26, 1973.

Dated: October 18, 1973.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.73-22840 Filed 10-26-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18547, 18548; File Nos. BPH-6408, 6479; FCC 73-1073]

ERWIN O'CONNER AND NORMAN A. THOMAS

Memorandum Opinion and Order Reopening Proceeding

In re applications of Erwin O'Conner tr/as Erwin O'Conner Broadcasting Co., Dayton, Tennessee, and Norman A. Thomas, Dayton, Tennessee, for construction permits.

1. The Commission has under consideration: (a) a Review Board Decision in the above-captioned proceeding, 37 FCC 2d 983, released November 7, 1972; (b) an application for Review, filed December 8, 1972, by Norman A. Thomas; (c) an application for Review, filed February 20, 1973, by Erwin O'Conner[1]; (d) the various responsive pleadings to each application for review; (e) Motion to Strike Unauthorized Pleading, filed January 23, 1973, by Norman A. Thomas; and (f) Motion to Strike Late Filed Pleading, filed March 16, 1973, by Erwin O'Conner.

2. We have examined the entire record in this matter and find no error in the Review Board's disposition. We likewise find little, if any, merit in either party's application for review. Nevertheless, we feel that the deficiencies in the respective financial showings of O'Conner and Thomas may have been more of form than substance, and we believe that swifter initiation of a new FM service to the public in Dayton, Tennessee, may result from the procedure we are adopting herein.

3. Accordingly, *it is ordered,* That this proceeding, on the Commission's own motion, is reopened and remanded to the Administrative Law Judge who presided at the hearing for further evidentiary hearing at such time as he may direct consistently with his calendar; and

4. *It is further ordered,* That both parties shall submit explicit showings of financial ability to construct and operate their proposed stations. See "Ultravision Broadcasting Co.," 1 FCC 2d 344 (1965); and

5. *It is further ordered,* That O'Conner and Thomas are granted leave to amend their applications in this respect not later than 60 days following the release of this order; and

6. *It is further ordered,* That the Administrative Law Judge, after the conclusion of the further evidentiary hearing, shall evaluate the financial showings and if he finds only one applicant is financially qualified he shall grant that application. If he finds both applicants are financially qualified, the Administrative Law Judge shall then determine which of the proposals would on a comparative basis better serve the public interest, and shall grant that application; and

7. *It is further ordered,* That, in view of the above disposition, the above-described Motions to Strike and applications for review of Thomas and O'Conner are dismissed as moot.

Adopted: October 17, 1973.

Released: October 23, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.73-22935 Filed 10-26-73;8:45 am]

[Docket Nos. 19636, 19637; File No. BP-17970, BR-1431; FCC 73R-362]

WILLIAM P. JOHNSON, ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of William P. Johnson and Hollis B. Johnson, d/b as RADIO CARROLLTON Carrollton, Georgia, for construction permit and FAULKNER RADIO, INC. (WLBB) Carrollton, Georgia, for renewal of license.

1. The above-captioned applications were designated for consolidated hearing by Commission Memorandum Opinion and Order, FCC 72-1022, 38 FCC 2d 68, released November 21, 1972. Now before the Review Board is a petition to enlarge issues, filed by Faulkner Radio, Inc. (WLBB) (Faulkner) on June 27, 1973, seeking a hidden ownership and candor issue against Radio Carrollton.[1] More specifically, Faulkner seeks an issue to determine whether William P. Johnson and Hollis B. Johnson, doing business as Radio Carrollton, have failed to reveal the existence of a one-third owner in the application, Al Cohen, and whether they have been candid with respect to the ownership of the applicant.

2. Faulkner alleges that its petition is timely since the facts leading to its finding arose out of the testimony given by William P. Johnson and Hollis B. Johnson during the May 14, 1973, hearing in this proceeding.[2] Because this testimony allegedly, directly contradicts an earlier deposition by Al Cohen,[3] petitioner began investigating and allegedly discovered an undisclosed interest of Cohen in the Radio Carrollton application. According to Faulkner, Cohen deposed that he had never knowingly helped anyone prepare an application for a radio station in Carrollton, including the Johnsons, and that he did not know about their application until it was published or who had assisted them in preparing it. Although the Johnsons minimized Cohen's participation in the preparation and filing of the original application and denied any ownership interest in the application other than theirs, petitioner contends that they, nevertheless, testified to Cohen's involvement in the application at the May 14 hearing. Specifically, Faulkner avers that the Johnsons testified that Hollis B. Johnson had asked Cohen general questions about the Radio Carrollton application while preparing it, that Cohen had suggested the availability of a frequency to them and had recommended a consulting radio engineer they could hire, and that, furthermore, they had discussed the possibility of Cohen managing their station, as well as a possible future partnership for him. Faulkner contends moreover, that the supporting affidavits it has submitted contradict both the testimony of the Johnsons and the deposition by Cohen. In this connection, petitioner avers that each of the affiants,[4] all of whom know Cohen, state that Cohen either admitted or implied

[1] O'Conner having petitioned the Review Board for reconsideration, the time for filing his above application for review was tolled.

[2] Commissioner Robert E. Lee absent.

[1] Also before the Board for consideration are: (a) the Broadcast Bureau's comments, filed July 11, 1973; (b) opposition, filed July 11, 1973, by Radio Carrollton; and (c) reply, filed July 23, 1973, by Faulkner.

[2] Faulkner contends that its petition was expeditiously prepared after receipt of the transcript of the hearing on June 13, 1973.

[3] This deposition was taken in 1969 at a discovery proceeding arising out of a lawsuit Cohen, an ex-Faulkner employee, instituted against Faulkner for unpaid sales commissions he allegedly earned at the Faulkner FM Station WBTR.

[4] Affidavits executed by Sally Barton, Cohen's former wife; her husband, Dave Barton, a onetime co-employee of Cohen at Station WACX, Austell, Georgia; Jack Kirk, a onetime co-employee of Cohen at WBTR-FM; Dan Turner and John Lyons, employees of Faulkner during the period Cohen worked for Faulkner; and Vivian McGee, an acquaintance of Cohen, are attached to the instant petition.

to them that he had an interest in the Radio Carrollton application.[5]

3. In opposition, Radio Carrollton contends that the petition is grossly late since it is based on facts available to petitioner for several years. In this connection, Radio Carrollton notes that Faulkner submits documents and affidavits dating back to July 1968, and that those 1973 affidavits relied upon relate to purported conversations which occurred years ago. Moreover, Radio Carrollton contends, good cause has not been shown for the untimeliness. With respect to the merits of the petition, Radio Carrollton alleges that the Johnsons and Cohen expressly deny the existence of any ownership agreement regarding an interest by Cohen in the application. As further explanation, Radio Carrollton attaches an affidavit executed by Cohen in which he states that while he had prepared a partnership agreement which would have guaranteed him ownership participation in the Radio Carrollton application and a position as general manager of the station, the Johnsons refused to sign it. In his affidavit Cohen also states that, whenever he spoke with others of his relationship with Radio Carrollton's application, he did so without the Johnsons' knowledge or approval and he always referred to his association with Radio Carrollton as being prospective. Finally, Radio Carrollton argues that the affidavits submitted by Faulkner rely primarily upon impressions about remarks Cohen made regarding "his (own) hopes and aspirations" to participate in Radio Carrollton. The Broadcast Bureau supports granting Faulkner's untimely petition since it contains serious allegations, supported in particular by the Bartons' affidavits, which contradict testimony by the Johnsons, as well as ownership representations contained in Radio Carrollton's application.

4. Faulkner, in reply, reaffirms that its petition is timely, maintaining that it was only after the conflict in testimony between the Johnsons and Cohen became apparent and it obtained the affidavits of the Bartons, after the dissolution of the Cohen marriage, that it was possible for Faulkner to meet the burden of sustaining its petition. In specific response to the opposition, Faulkner challenges Cohen's statement that his written partnership agreement was never actually signed, arguing that if it had not been signed, it would not have been important enough for Hollis Johnson to have cautioned him to destroy it, as Cohen concedes he did in his affidavit. In any event, petitioner contends, Cohen's deposition, the Johnsons' testimony, and the affidavits petitioner submitted, continue to conflict with one another in spite of the fact that Cohen's affidavit attempts to reconcile the differences.

5. The Review Board agrees with the Broadcast Bureau that good cause has not been shown for the untimeliness of Faulkner's petition. Even assuming, as petitioner does, that the Bartons' affidavits provide a necessary link to Cohen's ownership in Radio Carrollton, petitioner has failed to satisfactorily explain why the information in these affidavits was not available earlier, since it involves matters which allegedly occurred several years ago. However, Faulkner's petition warrants consideration on its merits because it raises serious public interest questions. See "The Edgefield-Saluda Radio Co. (WJES)," 5 FCC 2d 148, 8 RR 2d 611 (1966). The allegations by Faulkner that Cohen admitted or implied to the several persons furnishing the affidavits supporting its petition that he had an interest in the Radio Carrollton application are inconclusive and do not, by themselves, justify the addition of the requested issue, particularly in view of the fact that Radio Carrollton, the Johnsons and Cohen steadfastly deny his interest. Moreover, there is no evidence, even if Cohen had made the remarks credited to him, that Cohen was expressing anything but his own aspirations to participate in Radio Carrollton. However, these circumstances, considered in light of the statements by Sally Barton claiming that she saw a signed copy of a partnership agreement between Cohen and the Johnsons, and by Dave Barton that he allegedly overheard Cohen and Hollis B. Johnson discussing the agreement, do raise a substantial question regarding possible undisclosed interest in Radio Carrollton by Cohen which warrants the requested issue. Radio Carrollton has attempted to reconcile the alleged contradictions raised by the Johnsons' testimony, Cohen's deposition, and the several affidavits Faulkner submits, but it has not adequately rebutted petitioner's serious allegations concerning the existence of a signed partnership agreement. Although Faulkner has failed to produce a copy of the partnership agreement between Cohen and the Johnsons, the Board is confronted with conflicting affidavits and testimony in this regard. In our view, the serious questions raised are best resolved on the basis of an evidentiary inquiry. See "Folkways, Broadcasting Co., Inc.," 27 FCC 2d 619, 21 RR 2d 163 (1971).[6] An appropriate issue will therefore be specified.

6. Accordingly, *it is ordered*, That the petition to enlarge issues, filed June 27, 1973, by Faulkner Radio, Inc. (WLBB) is granted; and

7. *It is further ordered*, That the issues in this proceeding are enlarged to include the following:

To determine whether Al Cohen has and/or had a one-third ownership interest in Radio Carrollton, and whether William P. Johnson and Hollis B. Johnson, d/b as Radio Carrollton, have been lacking in candor with the Commission concerning this interest; and, if so, to determine the effect thereof upon the applicant's qualifications to be a Commission licensee.

8. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issue added shall be on Fulkner Radio, Inc. (WLBB), and the burden of proof under this issue shall be on Radio Carrollton.

Adopted: October 18, 1973.

Released: October 23, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.73-22936 Filed 10-26-73;8:45 am]

[5] Sally Barton states in her affidavit of May 17, 1973, that she has seen a signed partnership agreement under the name of Radio Carrollton between the Johnsons and Cohen in which Cohen had a one-third interest in the proposed station. David Barton states in his affidavit of the same date that Cohen admitted being a one-third owner of Radio Carrollton and that, furthermore, he once overheard a telephone conversation between Cohen and a person, who he believes was Hollis B. Johnson, in which a written agreement was discussed. The other affiants state that Cohen had admitted to them that he had an agreement to be a part of Radio Carrollton and/or manage the station.

[6] Compare "Martin Lake Broadcasting Co.," 28 FCC 2d 457, 21 RR 2d 631 (1971), where a petition was not supported by affidavits of persons with personal knowledge, and possible minor inconsistencies in a deposition and affidavits did not raise a substantial question as to the existence of a concealed ownership agreement.

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner, operator and vessels*
01233---	Burles Markes Limited: *Norman Lady.*
01287---	Knohr & Burchard NFL: *Daniel.*
01306---	Shaw Savill & Albion Co., Ltd.: *Limpsfield.*
01318---	Aug. Bolten, Wm. Miller's Nachfolger: *Erika Bolten.*
01334---	American President Lines Ltd.: *Alaskan Mail; American Mail; Canada Mail; Hong Kong Mail; Indian Mail; Japan Mail; Korean Mail; Oregon Mail; Philippine Mail; Washington Mail.*
01337---	Marfin Management Trust (Reg.): *Amelia Topic.*
01431---	The Bolton Steamshipping Company Limited: *Reynolds.*
01606---	Oil Transport Company, Incorporated: *Bayou Dupont.*
01641---	The Bank Line Ltd.: *Forthbank.*
01717---	Billners Rederiaktiebolag: *Lill Billner.*
01877---	Carbocoke Societa Di Navigazione S.p.A.: *Luigi Casale.*
01904---	Waterman Steamship Corporation: *Robert Toombs.*
01935---	Partnership between Steamship Company Svendborg Ltd., and Steamship Company of 1912 Ltd.: *Ras Maersk.*
02022---	C. T. Gogstad & Co.: *Lama.*

Certificate No.	Owner, operator and vessels
02038	Polskie Linie Oceaniczne: *Franciszek Zubrzycki; Janek Krasicki.*
02039	"GRYF" Deep Sea Fishing Company: *Luzytanka.*
02194	Compagnie Generale Transatlantique: *Pointe Sans Souci.*
02298	Naviera Galea, S.A.: *Fadura.*
02332	Lykes Bros. Steamship Co., Inc.: *LY–212; LY–213; LY–214; LY–215; LY–216; LY–805.*
02496	United States Steel Corporation: *TJ–511E; TJ–459E; TJ–515E.*
02525	Burnett Steamship Company Limited: *Avon Forest.*
02544	Cabo Tres Montes Inc.: *Caty Multina.*
02551	Ellerman Lines Limited: *City of Cantebury.*
02558	American Condor Steamship Corp.: *Star.*
02861	Naviera Bilbaina, S.A.: *Irene.*
02862	Ocean Shipping & Enterprises, Ltd.: *Ocean Happiness.*
02917	Scherkate Sahami Keschtirani Melli Arya: *Arya Omid; Arya Pake.*
02949	Valley Towing Service, Inc.: *GTC 10; GTC 11.*
02956	Ashland Oil, Inc.: *RV–10.*
02960	Taiyo Kaiun Kabushiki Kaisha: *European Highway.*
02982	The Shipping Corporation of India Ltd.: *Motilal Nehru; Vishva Umang.*
03271	Sea-Land Service, Inc.: *Sea-Land Finance; Sea-Land Market.*
03279	Delta Steamship Lines, Inc.: *Delta Norte.*
03432	Hinode Kisen K.K.: *Shofuku Maru.*
03482	Ryutsu Kaiun K.K.: *Ryuyo Maru.*
03579	Skibsaktieselskapet Aino Skibsaksjeselskapet Viator Skibsaksjeselskapet Viva, Skibs A/S Bonita: *Acina.*
03728	Ocean Drilling & Exploration Company: *Ocean Traveler.*
03754	Carbonavi Societa' Per Azioni Di Navigazione: *Marcus Lolli-Ghetti.*
03852	Guy F. Atkinson Company: *GFACO 44321; GFACO 44403.*
04046	A/S Mosbulkers: *Mosnes.*
04050	A/S Uglands Rederi: *Juanita.*
04136	Thomas Marine Company: *Ellis 1256; F. P. Thomas.*
04284	Oil Base, Inc.: *U 715.*
04398	Hapag-Lloyd Aktiengesellschaft: *Oriental Importer; Oriental Exporter.*
04454	Satsumaru Kaiun Kabushiki Kaisha: *Satsumaru No. 58.*
04571	Cia Naviera Vascongada S.A.: *Cobetas.*
04596	Pan Alaska Fisheries, Inc.: *Royal Sea.*
04933	The Revillo Corporation: *Florida Power Corp. Barge 6; Florida Power Corp. Barge 8; NBC 540.*
04939	Panocean Shipping & Terminals Limited: *Post Charger.*
05004	Flowers Transporation Inc.: *Sunflower.*
05036	Companhia Nacional De Navegacao: *Cunene.*
05098	Esso Tankers Inc.: *Esso Guam.*
05273	Compania Maritima Rio Gulf, S.A.: *Arteaga.*
05345	L. Figueiredo Navegacao S.A.: *Solimoes.*
05374	Compania Argentina De Navegacion Intercontinental Sociedad Anoniama Comercial Inmobiliaria y Financiera: *Harlandsville.*
05380	Tridentco Shipping Limited: *Sovereign Grace.*
05425	Georgia Transporters, Inc.: *JTS 500.*
05530	Consolidated Towing Company: *Dan C; Charles R. Stevenson.*
05549	Polska Zegluga Morska: *Ziemia Olsztynska.*
05579	Black Sea Shipping Company: *Pioner Odessy.*
05624	Perusahaan Pertambangan Minyak Dan Gas Bumi Negara (Pertamina): *Permina 102; Permina 1006; Permina 101; Permina Samudra VI; Permina Samudra VII; Pertamina Samudra XII; Sally One; Permina Supply No. 1; Permina Samudra IX; Sally II; Permina Samudra I; Permina Samudra II; Permina Sudra V; Permina Samudra IV; Permina 107; Permina 1004; Permina 1001; Permina 1002; Permina 1003; Permina 1005; Permina Samudra VIII.*
06223	International Cruises S.A.: *Regina Magna.*
06287	Gates Equipment Corporation: *137; 591; 42.*
06359	Malaysian International Shipping Corp. Berhad: *Bunga Melawis; Bunga Mawar.*
06374	Dalei Maritime Co., Ltd.: *Ta Peng No. 1.*
06487	NAVIERA ASON, S.A.: *Pedro Ramirez.*
06495	Mortensen & Lange: *Storedal; Octavus.*
06926	South Shipping Lines-Iran Line: *Iran Zamin.*
06934	Chevron Navigation Corporation: Otto N. Miller.
07362	Primorsk Shipping Company: *Inzhener Ageev; Kapitan Gribin.*
07740	The Brighton Shipping Co., S.A.: *Car Castle.*
07829	Ta Fah Marine Co., S.A.: *Soyokaze.*
07862	Eastern Seaboard Pile Driving Corporation: *Beverly M.*
07970	N.V. Mailschip Antillen: *Rotterdan.*
07971	Tanker Enterprises, Inc.: *Stolt Catalina.*
08073	Norse Shipping Co. (PTE) Ltd.: *Cherry Queen.*
08157	Fratelli D'Amico-Armatori-S.P.A.: *Mare Aegeum; Mare Adriacum; Mare Sereno; Mare Placido; Mare Felice; Mare Tranquillo; Mare Dorico; Mare Piceno.*
08158	Cook Transportation System, Inc.: *UM 192.*
08160	Vai Compania Naviera S.A.: *Despina.*
08176	Esso Italiana SPA.: *ESSO Augusta; ESSO Milano; ESSO Torino; ESSO Napoli; ESSO Trieste; ESSO Roma; ESSO Venezia.*
08181	Proteus Shipping Company Ltd.: *Proteus.*
08186	Marcotona Compania Naviera S.A.: *Theokletos.*
08268	Taos Maritime Company Limited: *Taos.*
08288	Sumande Shipping Corporation (Liberia): *Sumande.*
08304	Botany Bay Shipping Co., Inc.: *Botany Bay.*
08307	Alexander E. De Renzy: *Marysville.*
08311	Viaventura Oceanica Armadora S.A., Panama: *Johnny B.*
08318	Relief Shipping Company Inc.: *Albricias.*
08334	Anangel Happiness Compania Naviera S.A.: *Anangel Happiness.*
08342	Armour Salvage (1949) LTD.: *Ocean Master.*
08343	Cosmos Shipping and Trading Corp., Monrovia/Liberia: *Alcazar.*
08349	Dae Yang Oil Tanker Co., Ltd.: *No. 103 Woo Yang.*
08352	Blue Arrow Shipping Co., Ltd.: *Panaghia Elcousa.*
08354	Harmony Shipping Company S.A.: *Good Helmsman.*
08355	Aquarian Navigation Ltd.: *Athenoula.*
08356	Tarpon Shipping Company of Liberia: *Tarpon Sealane.*
08359	Operation Tankers Ltd.: *Tama.*
08360	Management Tankers Ltd.: *Liria.*
08361	Iran Destiny Carriers Inc.: *Tarros.*
08362	Maatnaveo, Ltd.: *Seaford.*
08364	Michaelson Lines, S.A. Panama: *Michaelson Queen.*
08365	Compania Pella Navegacion, S.A.: *Christina.*
08367	Christopher Shipping Corp. Liberia: *MrNico.*
08369	Windtides Tankers Inc.: *Windtides.*
08373	Hacsini Compania Maritima S.A.: *Pothiti.*
08374	Canyon Maritime Enterprises, Inc.: *Corona Canyon.*
08376	Taird United Shipping Corporation: *Eastern Lion.*
08377	Tri-Ocean Shipping Corporation Ltd.: *Majesty; Evelyn; Jaguar.*
08378	World Pride Shipping Limited: *Golden Anne.*
08379	Liberian Onyx Transports, Inc.: *Golden Pioneer.*
08382	Rigillis Shipping Corporation: *Spalmatori Captain.*
08383	The Federal Materials Co., Inc.: *Hull # 921.*
08384	Elnimar Shipping Company: *Irenes Ambition.*
08385	Compania Naviera Orator S.A.: *Dynamic Sailor.*
08386	Mercator Mariners Limited: *Corinna.*
08387	Sure Hope Towing Co., Inc.: *TM 113; S 8502.*
08392	Athenian Seatrade Co. S.A. of Panama: *Stolt Anna.*
08393	Partenreederei M/S "Mercedes": *Mercedes.*
08394	Panoceanica Progresiva S.A. Panama: *Aristipos.*
08395	Froning's Towing Inc.: *Angelique.*
08397	Global Transport (Liberia) Inc.: *Grand Globe.*
08400	Yong Feng Navigation Panama Corp. S.A.: *Yong Fong.*
08401	Pacific Union Navigation S.A.: *Eyucho.*
08402	I/S Blix: *Blix.*
08403	Bright Sun Maritime Corporation S.A.: *Bright Sun.*
08407	Elais Shipping and Investment Co. S.A.: *Spartan Angel; Spartan Bay.*
08408	Moniwel Corp.: *Stolt Stuart; Stolt Tudor.*
08409	Grand Trans Pacific Corp.: *Pacific Hawk.*
08411	Fukumaru Gyogyo Kabushiki Kaisha: *Fuku Maru No. 38.*
08412	United Bulk Shipping Corporation: *United Bulk Shipper.*
08414	I.P.R. Services Limited: *Cantaloup; Orange.*
08415	International Merchants Corporation, Panama: *Tithis.*

Certificate No.	Owner, operator and vessels
08416---	Redfern Shipping Co., Ltd.: *Isabel Erica; Nils Amelon; Merry Captain.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-22955 Filed 10-26-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner, Operator and Vessels
01015---	A/S Rederiet Odfjell: *Selje.*
01017---	Westfal-Larsen & Co. A/S: *Brimanger.*
01057---	Schlussel Reederei KG: *Ansgaritor.*
01096---	Zapata Naess Shipping Co., Ltd.: *Naess Parkgate.*
01101---	Inverness Shipping Co. (Bermuda) Ltd.: *Naess Trader.*
01172---	H. Clarkson and Company Limited: *Sealnes.*
01428---	Ocean Transport & Trading Ltd.: *Calchas.*
01439---	Cory Maritime Limited: *Waikiwi Pioneer.*
01443---	Denholm Line Steamers Limited: *Clunepark.*
01519---	Rederi-Aktieselskabet "Myren" Copenhagen: *Gautatyr.*
01734---	Castletown Compania Naviera S.A. PN: *Aristaios.*
01825---	Gustav Droehse: *Ilse Klint.*
01874-----	A/S Sobral: *Mundogas Caribe.*
01904-----	Waterman Steamship Corporation: *Robert E. Lee.*
01935-----	Interessentskab Mellem Aktieselskabet Dampskibsselskabet Svendbord & Dampskibsselskabet AF 1912 Adtieselskab: *Rasmine Maersk.*
01987-----	Angbatsaktiebolaget Ferm: *Forsvik.*
02044-----	N.V. Amsterdamse Maritiem Transport Maatschappij: *Alkmaar.*
02139-----	Pickands Mather & Co.: *Walter E. Watson; Samuel Mather; Robert Hobson; Col. James Pickands; E. G. Grace; Frank Armstrong; Charles M. Schwab; Harry Coulby; Elton Hoyt 2d; J. L. Mauthe; H. C. Jackson; Chas. M. Beeghly; John Sherwin.*
02146-----	Pittston Marine Corporation: *Fairfield.*
02152---	A.F. Klaveness & Co. A/S: *Anco Ville.*
02198-----	The Peninsular & Oriental Steam Navigation Company: *Hurunui; Haparangi.*
02210-----	American Mail Line, Limited: *American Mail; Alaskan Mail; Canada Mail; Hong Kong Mail; Indian Mail; Korean Mail; Oregon Mail; Japan Mail; Washington Mail; Philippine Mail.*
02260---	Garibaldi Soc. Cooperativa Di Navigazione a Responsabilita Limitata: *Giuseppe Giulietti.*
02501---	Standard Oil Co. of California: *Washington Standard.*
02508---	Montezuma Compania Armadora S.A.: *Theomana.*
02544---	Cabo Tres Montes, Inc.: *Cabo Tres Montes.*
02701---	Deutsche Atlantik Schiffahrts-Gesellschaft M.B.H. & Co.: *Hanseatic; Hamburg.*
02816---	Star Shipping Co., S.A.: *Napier.*
02863---	Naviera Aznar S.A.: *Monte Sollube.*
02868---	Trader Navigation Co., Ltd.: *Axel Heiberg.*
02870---	Isthmian Lines, Inc.: *Steel Executive.*
02888---	Stolt-Nielsons Rederi A/S: *Stolt Falcon.*
02910---	Washington Fish & Oyster Company: *Kodiak Queen; Virginia Santos.*
02956---	Ashland Oil, Inc.: *GTC 1005.*
03060---	Summit Carriers, Inc.: *Ivory Venture.*
03256---	Upper Mississippi Towing Company; *UM-90.*
03389---	Shell Tankers N.V.: *Kenia; Krebsia; Korenia; Kossmatella.*
03482---	Ryutsu Kaiun Kabushiki Kaisha: *Ryusho Maru.*
03501---	Osaka Shosen Mitsui Senpaku K. K.: *Hagurosan Maru.*
03843---	Victory Carriers, Inc.: *Jefferson City Victory.*
03852---	Guy F. Atkinson Company: *GFACO 44405; GFACO 44303.*
03923---	Shinwa Kaium Kaisha, Ltd.: *Tsurusaki Maru.*
03979---	Moran Towing Corporation: *SE 104; SE 103.*
04032---	Sicula Oceanica S.A.: *Arnus.*
04098---	Hougland Barge Line Inc.: *Warren Hougland; WGH 9; WGH 10; WGH 11; WGH 12.*
04184---	M/G Transport Services Inc.: *Barge Intercity.*
04398---	Hapag-Lloyd AG.: *Main Express; Rhein Express.*
04560---	Constants Limited: *Lyminge; Lottinge.*
04601---	American Tunaboat Association: *Ecuador.*
04606---	Marquette Cement Manufacturing Company: *Noramar.*
04707---	M.S. "Sign" Tunnecke Schiffahrtsgesellschaft, Bremen: *Jotina.*
04710---	Tunnecke M.S. "Jodonna" Schiffahrtsgellschaft, Bremen: *Jodonna.*
04834---	Tidewater Barge Lines, Inc.: *1728; 24.*
04889---	Cory Brothers & Co. (Italy) Ltd.: *Wildrose.*
04893---	Ascuna Shipping Company: *Domino Crystal.*
05044---	Sider Line Compania De Navegacion S.A.: *Primrose.*
05094---	La Columbia Societa Marittima Per Azioni: *Esso Venezia; Esso Roma; Esso Trieste; Esso Napoli; Esso Torino; Esso Milano; Esso Augusta.*
05099---	Esso Standard Eastern Tankers, Limited: *Esso Sirius; Esso Regulus.*
05103---	Imperial Oil Limited: *Imperial Nanaimo.*
05437---	The Dow Chemical Company: DC 715.
05624---	Perusahan Pertambangán Minyak Dan Gas Bumi Negara (Pertamina): *Permina Samudra VII; Permina Samudra VIII; Permina Samudra VI; Permina 1005; Permina 102; Permina 1006; Permina 101; Permina 1002; Permina 1003; Permina Samudra I; Permina Samudra II; Permina Samudra V; Permina Samudra IV; Permina 107; Permina 1004; Permina 1001; Pertamina Samudra XII; Sally One; Permina Supply No. 1; Permina Samudra IX; Sally II.*
05735---	Solstad Rederi A/S Skips A/S Solhav & Co. Skips A/S Soltun & Co.: *Solek; Sol Jean.*
05858---	Interislands Shipping Co. Ltd.: *Jade Islands.*
05990---	Tagomaru Gyogyo K.K.: *Tagomaru.*
06024---	Double W Towing Co., Inc.: *Patricia Ann.*
06467---	Florida Lines Ltd.: *Key Largo.*
06570---	Kristian Jebsen (U.K.) Limited: *Baynes.*
06676---	Overseas Maritime Limited: *Jaguar; Evelyn; Majesty.*
06287---	Gates Equipment Corporation: *285; J. J. Cregan; Elly B.*
06787---	Evergreen Marine (Singapore) Private Limited: *Ever Lasting.*
07006---	Aztamar De Centroamerica S.A.: *El Centroamericano.*
07132---	Rising Sun Shipping S.A.: *Davao Gulf.*
07366---	Compagnie Maritime Des Chargeurs Reunis: *Circa; Cypria.*
07469---	Bulk Carriers International, Inc.: *Stolt Laguna.*
07861---	Express Marine, Inc.: *Emi-7250.*
07974---	Bow Egret Tanker Corp.: *Bow Egret.*
08044-----	Druidstan Limited: *Cantaloup.*
08173-----	Heiner Braasch Dithmarsia MS "Sandhorn" KG: *Sandhorn.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-22954 Filed 10-26-73;8:45 am]

FEDERAL MARITIME COMMISSION

HELLENIC MEDITERRANEAN LINES AND FRENCH LINE, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 19, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing

the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. A. Vervueren, Secretary,
French Line, Inc.,
555 Fifth Avenue,
New York, New York 10017

Agreement No. 10009–1 between Hellenic Mediterranean Lines and French Line, Incorporated provides for the appointment by Hellenic Mediterranean Lines of French Line, Incorporated as its exclusive agent to conduct throughout the Western Hemisphere the business of the sale of passenger transportation on the vessels of Hellenic Mediterranean Lines. Western Hemisphere is defined in the Agreement as meaning North, Central and South America, the Island of Bermuda, the Caribbean Area, the Bahamas, and the State of Hawaii. Among other things, the Agreement sets out the duties of French Line, Incorporated which in part include recommending the appointment of sub-agents in the United States and abroad; preparing and recommending an annual marketing plan; and negotiating with travel wholesalers, retailers, and organizers, as well as airlines, to develop group and charter business through packaged tours and other means.

Agreement No. 10009–1 supersedes Agreement No. 10009 and the terms of Agreement No. 10009–1 shall apply to the operations of Hellenic Mediterranean Lines vessels through the end of the 1975 summer season for the Mediterranean services of the vessels *Aquarius, Apollonia* and various car ferry services, unless terminated for any reason which the parties shall agree to as a basis for termination.

By order of the Federal Maritime Commission.

Dated: October 24, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–22953 Filed 10–26–73;8:45 am]

FEDERAL RESERVE SYSTEM

FIDELITY CORP. OF PENNSYLVANIA

Application To Engage in the Underwriting of Credit Life and Credit Accident and Health Insurance

Fidelity Corporation of Pennsylvania, Rosemont, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843 (c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to engage in the activity of underwriting credit life and credit accident and health insurance. Notice of the application was published in newspapers circulated in Fort Myers, St. Petersburg, Vero Beach, Miami, Sarasota, Jacksonville, Bradenton, Riviera Beach, Tampa, Panama City, and Kissimmee, all in Florida.

Applicant states that the proposed subsidiary would engage through its subsidiaries and their subsidiaries, in the activities of acting as underwriter for credit life insurance and credit accident and health insurance, which is directly related to extensions of credit by the bank holding company system. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 13, 1973.

Board of Governors of the Federal Reserve System, October 19, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73–22916 Filed 10–26–73;8:45 am]

FIRST BANKSHARES CORP. OF S.C.

Order Approving Retention of August Kohn and Co., Inc. and Acquisition of Stevenson, Zimmerman & Co.

First Bankshares Corp. of S.C., Columbia, South Carolina, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire from its banking subsidiary, The First National Bank of South Carolina, Columbia, South Carolina (Bank), all of the voting shares of August Kohn and Company, Inc., Columbia, South Carolina (Kohn), and to acquire all of the voting shares of Stevenson, Zimmerman and Company, Charleston, South Carolina (Stevenson), companies that engage in the activity of general mortgage banking and act as agents in the sale of credit life insurance and accident and health insurance directly related to the extension of credit. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1), (3), (9)(ii)).

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 21824, 21825). The time for filing comments and views has expired, and none has been timely received.

Bank is Applicant's sole banking subsidiary and the third largest banking organization in South Carolina with deposits of $314 million, representing approximately 10 percent of the commercial bank deposits in the State. (All banking data are as of December 31, 1972.)

Applicant proposes that Kohn, with offices in Columbia, Charleston and Spartanburg, would continue to engage in the general mortgage loan business by (i) originating residential and commercial loans for sale to investors; (ii) servicing of loans sold to investors; (iii) extending commercial and residential construction loans for its own account and for the account of investors; (iv) extending land acquisition and development loans for residential subdivisions. Kohn solicits loans from the contractors and real estate developers rather than from the general public. Its originations are confined primarily to FHA-insured and VA-guaranteed loans on 1–4 family residences.

Applicant was established in January, 1969, for the purpose of acquiring Bank. In acquiring Bank, Applicant indirectly acquired Kohn, which has been a subsidiary of Bank since 1965. Applicant is applying for Board permission to acquire Kohn from Applicant's subsidiary Bank as an acceptable section 4(c)(8) activity and to operate Kohn as a direct subsidiary rather than as a subsidiary of Bank. The Board must find that the proposed transaction of shares would not result in an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices.

Kohn, with a servicing portfolio of $109 million, operates in the Columbia, Spartanburg, and Charleston SMSA's (Standard Metropolitan Statistical Areas). Bank also operates in these three markets. However, the combined activities of Kohn and Bank in these markets represent but a small percentage of the total volume of mortgage loans therein. In the Columbia SMSA, Bank and Kohn's 1972 originations totalled $22 million or about 5 percent of the total market volume of $451 million in mortgage loans. In the Spartanburg SMSA, the 1972 originations of Bank and Kohn were $6.7 million or 4.8 percent of the total originations of $140.8 million in this market. In the Charleston SMSA their combined 1972 originations were $19.9

million or about 7 percent of the total volume of $285 million in such loans.[1]

With regard to particular product markets, the market share of Bank and Kohn's combined originations is even less. Only in the area of construction loans did Bank and Kohn extend a more substantial volume of loans for 1972. In the Charleston SMSA, for example, Bank and Kohn originated 24 percent of the total volume of construction loans in 1972. However, there are several mitigating factors to any consideration of this level of concentration. Most important is the fact that much of Kohn's competitive capacity has been developed since its acquisition by Bank in 1965.[2] At the time of its acquisition, Kohn did not have the financial capacity to engage actively in the area of construction loans. In addition, the market for large construction loans is broader than that of a local market, and strong regional competitors from outside the local market can and do compete effectively for such loans. The Board concludes that retention of Kohn by Applicant would have only slight adverse effects on competition and would not lead to undue concentration of resources in any relevant market.

Stevenson, with total mortgage originations of $4.5 million in 1972 and a servicing portfolio of $42 million, also has its only office in the Charleston SMSA. Stevenson originates only 1–4 family FHA-insured or VA-guaranteed residential loans. Although Applicant, through Bank and Kohn, competes with Stevenson, it does not appear that any undue concentration or significant anticompetitive consequences will result from this acquisition. In the 1–4 family residential mortgage market (including conventional and FHA/VA), Applicant originated 3.3 percent of the total, and Stevenson had 3.1 percent of the market in 1972. Since the market has numerous competitors, including at least 18 mortgage banking organizations, an increase in Applicant's market share from 3.3 to 6.4 percent would not be a serious adverse competitive effect. In addition, most of Stevenson's business is captive in nature, as it is derived from an affiliated development company. Thus, there is but limited existing competition between Applicant and Stevenson. Since this affiliate relationship will be terminated upon consummation of the proposal, there will be a resulting procompetitive effect in allowing the affiliate to seek mortgage loans from other sources.

Applicant entered the Charleston market de novo in 1971 through Kohn and has the potential to expand further in this area. Stevenson, however, has a shortage of trained management personnel, and it is unlikely that it would be able to expand or exert a more competitive influence in the foreseeable future. In addition, Stevenson is losing its affiliate relationship with a construction company which is the primary source of its mortgage loan originations. This will further lessen its viability as a mortgage banking firm. The Board concludes that the proposed acquisition of Stevenson would have no significant adverse effects on either existing or potential competition.

There is no evidence that the acquisition of Kohn by Bank in 1965 has led to conflict of interest or unsound banking practices. Through Applicant's support, Kohn has increased the size of its mortgage loan portfolio it services from $44.5 million in 1965 to over $109 million in 1972. Applicant has arranged recently for a line of long term credit to provide for Kohn's expansion and increasing competitive effectiveness. On balance, the Board concludes that the slight anticompetitive effects of the retention are outweighed by the public benefits that are, and have been, derived from the operation of Kohn by a bank holding company with the size and resources of Applicant.

The proposed transfer of Kohn to Applicant should result in benefits to the public by increasing the resources available to Kohn and by permitting Kohn to utilize debt instruments more conveniently.

Approval of the proposed acquisition of Stevenson also will make available to Stevenson the financial resources of Applicant, and thereby provide Stevenson with an additional source of working capital to increase its lines of credit and compete more effectively. Applicant has proposed to merge Stevenson into Kohn and has made a commitment to inject $1.0 million additional equity capital in the resulting company. Applicant has also secured a line of long term credit to assist the company after merger.

Management of Stevenson is thin, and Applicant is in a position to provide the personnel with the necessary expertise to bolster Stevenson's management, to make Stevenson a more aggressive competitor, and to overcome the loss of Stevenson's construction company affiliate. These increased capabilities and the severance of a captive relationship between Stevenson and its construction company affiliate are positive factors in terms of public needs and convenience.

The Board's review of the record indicates the retention of Kohn and the proposed acquisition of Stevenson would produce public benefits that would outweigh any slight adverse effects on competition. There is no evidence in the record to indicate that the proposed retention or acquisition would lead to an undue concentration of resources, conflicts of interest, or unsound banking practices.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the applications are hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof. The transactions shall be consummated not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond pursuant to authority delegated herewith.

By order of the Board of Governors,[3] effective October 17, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-22913 Filed 10-26-73;8:45 am]

[1] Although market share figures for 1965 are not as complete, there is no indication that significant existing competition was eliminated in 1965 through Bank's acquisition of Kohn. The competition between the two organizations in 1965 was limited to residential mortgage loans in the Columbia SMSA, and the figures on their residential loan originations in that year when considered with the number of mortgage lending competitors indicates the adverse effects on existing competition were not substantial.

[2] In addition to providing capital which allowed Kohn to increase its loan originations from $9.2 million in 1965 to $23.4 million in 1972, Applicant also assisted Kohn to expand geographically from its single office in Columbia to offices in Charleston and Spartanburg.

HAMILTON BANCSHARES, INC.

Order Denying Acquisition of Bank

Hamilton Bancshares, Inc., Chattanooga, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire the successor by merger to The Hamilton National Bank of Knoxville, Knoxville, Tennessee (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of application affording opportunity for interested persons to submit comments and views has been given in accordance with Section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 13 banks with aggregate deposits of $619.6 million, representing about 6 percent of total deposits of commercial banks in Tennessee.[1] Bank (deposits of $288.4 million) ranks as the ninth largest banking organization in Tennessee with approximately 3 percent

[3] Voting for this action: Vice Chairman Mitchell and Governors Daane, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governor Brimmer.

[1] All banking data are as of December 31, 1972, and represent bank holding company formations and acquisitions approved by the Board through August 31, 1973.

of total deposits of commercial banks in the State. Acquisition of Bank by Applicant would make the latter the third largest organization in the State with about 9 percent of total deposits but would not significantly increase the concentration of banking resources in Tennessee.

The United States Department of Justice in commenting on this application concluded that it should be denied. The Department indicated that it believed that consummation of the transaction would eliminate some existing competition between Applicant and Bank, would have an adverse effect on potential competition in the Knoxville banking market and, more seriously, would eliminate Bank as one of the few banks in Tennessee capable of becoming a lead bank for an additional holding company. In this latter connection, Justice cited the Board's denial of the application by United Tennessee Bancshares Corporation to merge with American National Corporation (see 1973 Federal Reserve Bulletin 530).

There is no substantial existing competition between Applicant and Bank. Although Applicant does have two subsidiaries within 20 miles of Knoxville, these subsidiaries and Bank have little loan or deposit overlap. However, the Board does feel that consummation of this transaction would have a substantially adverse effect on future competition in the Knoxville banking market.[2] Bank is the largest bank in this market, with approximately 30 percent of market deposits. Moreover, this is a concentrated market with the top two organizations having over 50 percent of market deposits and the third-ranking bank being considerably less than half the size of the second-ranking bank. Acquisition of Bank by Applicant would tend to solidify this two-firm dominance. On the other hand, if Applicant entered the Knoxville banking market, either through a de novo entry or the acquisition of a foothold bank, there is a probability that a trend towards deconcentration would result. Such a trend would be in the public interest by offering the promise of more vigorous competition.

Applicant can reasonably be expected to have a strong interest in entering the Knoxville banking market.[3] For any holding company in Tennessee to have Statewide representation, it is desirable to have a subsidiary in the four major metropolitan areas of Tennessee of which Knoxville is one. The ratios for population and deposits per banking office in the Knoxville banking market are both above comparable Statewide averages and the market appears to be relatively attractive for de novo entry.[4] Furthermore, although there is no present downtown bank that would be available for foothold acquisition into the Knoxville banking market, there is one suburban bank in Knox County which may be available for acquisition. Under Tennessee branching law, acquisition of this suburban bank would enable Applicant to branch throughout Knox County which is the commercial center of the Knoxville banking market.

Finally, the Board notes that Applicant is one of only three multibank holding companies that are not presently represented in the Knoxville banking market. The Board concludes that the most probable entrants into any local market in Tennessee must be considered to be the existing multibank holding companies. The Board is concerned when one of the three most probable future entrants into a concentrated market seeks to enter that market, which market is relatively attractive for de novo entry, by acquisition of the largest bank in the market. In summation, the Board finds that the Knoxville banking market is concentrated, that Applicant is a probable future entrant into such market—in fact, it is one of the three most likely probable future entrants into the market—and that opportunities exist for de novo or foothold entry. Given these factors, the Board concludes that consummation of the transaction would have a substantially adverse effect on potential competition.

The Board is additionally concerned with the effect the consummation of this transaction would have on the number of additional bank holding companies that may reasonably be expected to be formed in Tennessee. Bank, as the ninth largest banking organization in Tennessee and largest unaffiliated bank, is one of the three most probable candidates to become a lead bank in a multibank holding company. Applicant has indicated its reservations about the ability of Bank to become such a lead bank. However, the record shows that Bank has improved its earnings record significantly in the last year. There is no reason to believe that this trend will not continue. Bank certainly has the size and would appear to have the managerial and financial capabilities to become a lead bank in a multibank holding company within the near future. As the Board stated in its order denying the application of United Tennessee Bancshares Corporation, local banking markets in Tennessee tend to be concentrated. For this reason, it is important to preserve a significant number of multibank holding companies who are the most likely potential entrants into such markets. It is certainly foreseeable that if this application is denied, Bank and Applicant may be confronting each other in these concentrated markets in the near future. Competition and, ultimately, consumers should benefit from such a probability. On the basis of the facts of record, the Board concludes that competitive factors relating to this application weigh against approval of the application.

The financial condition and managerial resources and prospects of Applicant, its subsidiary banks, and Bank are generally satisfactory and consistent with approval of the application. However, these factors do not offset the substantially adverse competitive considerations that would result from consummation of the transaction. There is no indication in the record that the convenience and needs of the Knoxville community are not being adequately met at the present time. Moreover, there is no real indication that Applicant's acquisition of Bank would serve to increase the convenience and needs of the area since Bank is fully capable of doing so on its own and has, in fact, recently expanded its range of services through lengthening of its hours. Accordingly, these factors do not outweigh the competitive considerations.

It is the Board's judgment that the proposed transaction is not in the public interest and should be denied. On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[5] effective October 17, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-22914 Filed 10-26-73;8:45 am]

[2] The Knoxville banking market is approximated by Knox, Blount, and Anderson Counties.

[3] Applicant claims that because of common stock ownership the development of such competition is unlikely. However, the amount of such overlap is not large and in view of the fact that a larger block of Bank's shares is held by third parties the Board does not believe that the common ownership is significant enough to impede competition.

[4] In this connection, the Board has reconsidered its earlier expressed opinion that the market was not attractive (38 FR 3120). The Board's earlier opinion was based solely upon the rate of growth of the population of the Knoxville banking market and did not take into account the ratios of population and deposits per banking office.

[5] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, and Holland. Present and abstaining: Chairman Burns. Absent and not voting: Governor Bucher.

MICHIGAN NATIONAL CORP.

Order Approving Acquisitions of Banks

Michigan National Corporation, Bloomfield Hills, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire the successors by merger to the following four banks: (1) First National Bank of East Lansing, East Lansing (East Lansing Bank); (2) Central Bank, National Association, Grand Rapids (Central); (3) Valley National Bank of Saginaw, Saginaw (Valley); and (4) First National Bank of Wyoming, Wyoming (Wyoming Bank), all of which are located in Michigan. The banks into which the four named Banks are to be merged have no significance except as a means to facilitate the acquisition of the voting shares of Banks. Accordingly, the proposed acquisitions of shares of the successor organizations are

treated herein as the proposed acquisitions of the shares of the four Banks.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls five banks with aggregate deposits of $2.38 billion, representing about 9.5 percent of deposits of commercial banks in Michigan.[1] Acquisition of East Lansing Bank (deposits of $16.5 million), Central (deposits of $42.9 million), Valley (deposits of $43.2 million), and Wyoming Bank (deposits of $15.9 million) would change Applicant's rank from the third largest banking organization in Michigan to the second largest but would add only about 0.5 percent of total deposits in Michigan to its control. Moreover, two other banking organizations would be approximately the same size as Applicant, and Applicant would be only a little more than half the size of the leading organization in Michigan. For these reasons, approval of the acquisitions would not significantly alter the existing concentration of banking resources in the State.

Both the Department of Justice (Justice) and the Commissioner of the Michigan Financial Institutions Bureau (Commissioner) commented on these applications. Justice, asserting that the banking markets in question were already concentrated and that approval of the applications would eliminate substantial existing competition, recommended denial of all four applications. The Commissioner also stated that the concentration in the four banking markets was high and further indicated that approval of the applications would give Applicant substantially increased branching opportunities which would help increase its dominance over other organizations in the markets. The Commissioner recommended against approval of the four applications.[2] Both Justice and Commissioner recognized that a profit sharing trust for the employees of Applicant's lead bank held varying interests in the four banks. However, the Commissioner and Justice felt that Applicant did not have control of the four banks in question.

Applicant replied by stating that approval of the four applications would not affect its relative ranking in any of the three markets in question. Moreover, Applicant stated that the concentration was no greater in these markets than in other Michigan Standard Metropolitan Statistical Areas. Applicant argued that approval of the applications would enable it to provide greater convenience of services in the relevant banking markets. Additionally, Applicant stressed that it has close relationships with the four banks in question, that it has either helped form or expand the four banks, and that it has provided management services throughout their existences.

The Board has concluded that approval of these four applications would not have a substantially adverse effect on the concentration of banking resources in Michigan. The Board must also consider whether analyses of the relevant local markets indicates there are substantial anticompetitive effects that would result from approval of any or all of these applications. In the Saginaw banking market, Valley presently ranks as the fourth largest banking organization with approximately 7 percent of market deposits.[3] The lead bank of Applicant has one office in the market with about 28.5 percent of market deposits. However, under present law Applicant's lead bank may not open any new branches in the Saginaw area, a constraint which has the effect of inhibiting its growth in that area. For example, in the 4-year period from June, 1968, to June 1972, deposits of this one branch grew only about 4.5 percent while the Saginaw banking market deposits grew approximately 14 percent. As a consequence of this relatively limited growth, the market share of this branch fell almost 2.5 percent during this 4-year period. It seems likely that market share of this branch will continue to fall since its competitors can branch into locations preferred by more depositors while it must offer its services from a single location. Moreover, the Board recognizes that the largest banking organization in this market controls approximately 50 percent of market deposits and increased its market share over the previously referred to 4-year period. Permitting Applicant to acquire Valley would give it the ability to branch throughout the area and provide greater service conveniences and also increased competition for the dominant organization in the market. The Board also recognizes that Applicant, through the employee trust fund of its lead bank, has a substantial interest in Valley at the present time with the trust owning 24.52 percent of Valley's voting shares. Applicant also has representatives on Valley's board of directors and has previously provided Valley with needed managerial assistance. In view of these facts, the Board concludes that the competitive considerations are, on the whole, procompetitive and, therefore, consistent with approval of the application.

Both Central and Wyoming Bank are located in the Grand Rapids banking market with the former controlling approximately 3 percent and the latter about 1 percent of market deposits.[4] Here, as in the Saginaw banking market, the lead bank of Applicant operates one branch. This office controls about 17.5 percent of market deposits. However, similar to the situation in Saginaw, this is the only branch that is permitted to Applicant's bank in this market while the two largest banks have unlimited branching rights in the city and, in fact, have 26 and 16 offices. The Grand Rapids banking market is dominated by these two large organizations which control over 70 percent of deposits between them, with the largest organization accounting for approximately 50 percent of this total. Because of the limitations on its ability to branch, Applicant's lead bank has grown at a much slower rate than either of these two organizations. The Board believes that the public would be better served if the Applicant had branching capabilities in this market competitive with those of the two dominant organizations. Applicant has shown itself to be an aggressive competitor and, given an equal competitive footing, it may be able to make some inroads into the concentrated market structure. Moreover, Applicant, again through the employee trust fund of its lead bank, has substantial interests in both Wyoming Bank and Central, having 22.3 percent of the voting shares of the former and 21.9 percent of the voting shares of the latter. The trust also owns 46.1 percent of the preferred stock of Wyoming Bank. Applicant's lead bank has provided management assistance to both of these banks, particularly to Wyoming Bank at a time when it needed outside help. For these reasons, the Board concludes that competitive considerations offer no impediment to approval of the two applications.

East Lansing Bank and Applicant's lead bank both have their head office in the same banking market.[5] East Lansing Bank is a comparatively small factor in this market, having only about 2 percent of market deposits. Since its establishment in 1955 with the help of Applicant's lead bank, it has not shown itself to be a particularly aggressive organization, only recently opening two branches. Though Applicant has the largest market share in the relevant banking market with approximately 41 percent of deposits, it presently cannot branch into the East Lansing Bank's sector of this market due to home office protection laws. In the East Lansing Bank's sector of the market, East Lansing Bank is much smaller than the other bank with headquarters there. Approval of this application may enable more vigorous competition to result in this part of the market. Moreover, Applicant's lead bank assisted in the establishment of East Lansing Bank, currently has representatives on the board of directors, and the

[1] All banking data are as of December 31, 1972, unless otherwise noted, and represent bank holding company acquisitions and formations approved by the Board through August 31, 1973.

[2] The Commissioner is not the supervisory official whose denial recommendation requires a hearing pursuant to section 3(b) of the Bank Holding Company Act since all the four banks sought to be acquired are national banks. Moreover, the recommendation was not received within the thirty-day time period as required by section 3(b).

[3] All banking data for the local markets involved in this case are as of June 30, 1972. The Saginaw banking market is approximated by the northeastern two-thirds of Saginaw County.

[4] The Grand Rapids banking market is approximated by the southern three-fourths of Kent County and the eastern half of Ottawa County.

[5] The relevant banking market is approximated by the Lansing SMSA, which includes Clinton, Eaton, and Ingham Counties.

employee trust fund owns 12.85 percent of the voting shares of East Lansing Bank. These facts indicate that Applicant has a great deal of influence over East Lansing Bank and the latter cannot be considered to be an entirely independent entity. Given the small size of East Lansing Bank and Applicant's present influence over it, the Board does not consider that substantially adverse effects on competition would result from approval of this application. Accordingly, the Board concludes that competitive considerations are consistent with approval.

It appears appropriate at this point to discuss the relevance of the holdings of the employee trust fund in each of these four banks. The employee trust's investments in the stock of the banks proposed to be acquired here is a circumstance over which one of the dissenters to the Board's approval action has expressed concern. The Board's approval of the Applicant's acquisition of banks in which the employees trust fund of Applicant's lead bank has previously invested is premised upon the following considerations, among others. The trust fund's interest in each of the banks was acquired prior to the time when this Board was given statutory oversight responsibility with respect to the Applicant. The present record contains no suggestion that the trust's investments have not been, in all respects, prudent, financially satisfactory, and in the best interest of the beneficiaries of the trust. Nor is there evidence of any abuse by the trustees of their fiduciary responsibilities under the trust, nor control of their investment decisions by Applicant or its lead bank. Moreover, the Board's approval actions here should not be read as indicating automatic approval of such investments; rather, approval in these cases is based somewhat on the positive competitive and convenience benefits that would result from consummation of these transactions.

The financial condition and managerial resources and prospects of Applicant, its subsidiaries, and the four banks are generally satisfactory and consistent with approval of the applications. Considerations relating to the convenience and needs of the communities to be served lend some weight for approval of the applications since consummation of the transactions will enable Applicant to provide services at additional locations within the communities. It is the Board's judgment that the proposed transactions are in the public interest and should be approved.

On the basis of the record,[6] the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[7] effective October 18, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-22912 Filed 10-26-73;8:45 am]

[6] Dissenting statements of Governors Brimmer and Holland filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[7] Approval of acquisition of First National Bank of East Lansing, East Lansing; Central Bank, National Association, Grand Rapids; and Valley National Bank of Saginaw, Saginaw. Voting for this action: Chairman Burns and Governors Mitchell, Daane, and Sheehan. Voting against this action: Governors Brimmer and Holland. Absent and not voting: Governor Bucher.

Approval of acquisition of First National Bank of Wyoming, Wyoming. Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, and Holland. Absent and not voting: Governor Bucher.

SUBURBAN BANCORPORATION

Order Denying Acquisition of Bank

Suburban Bancorporation, Hyattsville, Maryland, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Farmers and Mechanics National Bank, Frederick, Maryland (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in the State, controls one bank, Suburban Trust Company (Suburban), which operates 45 banking offices and holds deposits of approximately $690 million, representing approximately 10 percent of the total deposits in commercial banks in the State of Maryland. (All banking data are as of December 31, 1972 unless otherwise noted). Upon consummation of the proposed acquisition of Bank, Applicant would control approximately 12 percent of the total deposits in commercial banks in the State, and would rank thereby as the State's third largest banking organization.

Bank, which has 13 offices, holds about $124 million or 2 percent of the total commercial bank deposits in the State and ranks as the ninth largest banking organization in the State. Bank has ten offices in the market approximated by Frederick County, and it also operates three offices just across the Frederick County line—two in Carroll County (which is in the Baltimore SMSA) and one in Montgomery County (which is in the Washington, D.C. SMSA). Overwhelmingly the largest of nine banks in the Frederick County market, Bank controls approximately 44 percent of the area deposits. The second and third largest banks in the market, control, respectively, 20 and 11 percent of the deposits in the market while each of the six remaining banks in the market (all independent and unaffiliated with a bank holding company) controls less than 10 percent of market deposits.

Applicant's subsidiary bank has no offices in Frederick County and derives an insignificant amount of deposits from the Baltimore SMSA. The only direct competition between Bank and Applicant appears to be limited to the Montgomery County portion of the market approximated by the Washington SMSA. In the Montgomery County area, Bank has one office and Suburban has four offices, all within a 12 mile radius of Bank's branch in Damascus, Maryland. Although Suburban controls 30 percent of deposits in Montgomery County, consummation of this transaction would increase the share of deposits controlled by Applicant in that area by less than 1 per cent and would apparently not have a significant effect on present competition. As of June 30, 1972, the Damascus office of Bank had deposits of $2.4 million, representing less than one-half of 1 percent of the deposits in Montgomery County. It appears, therefore, that present competition between Applicant and Bank would be only slightly affected by consummation of this transaction.

While the effects of Applicant's proposal on existing competition do not raise serious impediments to approval of the application, consummation of the proposal would, in the Board's view, have significantly adverse effects on potential competition between Applicant and Bank in Frederick County as well as the Montgomery County portion of the Washington, D.C. SMSA. In regard to Frederick County, which is adjacent to both the Washington SMSA and Baltimore SMSA, the proposal herein would eliminate the likely alternative of Applicant entering Frederick County through less anticompetitive means such as de novo or foothold acquisition. It is clear that Applicant possesses the resources for meaningful de novo entry (either by establishing a branch or a new bank) into Frederick County, an area which has experienced above average growth in the past and which is expected to enjoy continued economic and population growth. Applicant maintains that it has no interest in "foothold" or de novo entry into Frederick County. The Board, however, does view a foothold or de novo acquisition as a realistic alternative to the proposed acquisition of the largest bank in the Frederick County market. In fact, the acquisition of one of the smaller, independent banks in the area (of which there are six) would be clearly preferable from a competitive standpoint to the proposal herein. On the basis of the facts of record, including the prospects for continued economic growth in the area, the proximity of Frederick County to an area of Applicant's dominance (Montgomery County), and the aggressive

branching policy followed by Applicant in the past,[1] the Board regards Applicant as a likely potential entrant into Frederick County. In this case, the acquisition of the leading bank in a concentrated market by a likely entrant into that market is undesirable from a competitive standpoint. The Board is of the view, therefore, that consummation of this proposal would have a significantly adverse effect of potential competition in Frederick County.

Of equal concern to the Board is the apparent adverse effect of Applicant's proposal on potential competition in the Montgomery County portion of the market approximated by the Washington, D.C. SMSA. As noted above, Applicant is already the largest banking organization in Montgomery County. Inasmuch as banks located in Washington, D.C. proper are precluded by law from branching into suburban Montgomery County, the only hope for increased competition and for a deconcentration of banking resources in the County must necessarily lie to a large extent on preserving the possibility that independent banks such as Bank will expand in the area. Acquisition of Bank by Applicant would tend to solidify the existing banking structure in Montgomery County and preclude the possibility of increased competition through further expansion by Bank in the County. As the only Maryland bank with deposits in excess of $100 million with headquarters outside the Baltimore SMSA and Washington SMSA, it appears that Bank is one of the few banks outside the two SMSAs with the financial resources necessary to expand its operations in Montgomery County. That bank is likely to expand its operations in Montgomery County appears probable. Bank established its Damascus branch in 1965 and it is permitted by Maryland law to branch further into Montgomery County. Given the high level of commuting in the area (30 percent of the work force in Frederick County apparently works outside the county) and the further economic integration of Frederick County and Montgomery County, it appears likely that Bank would attempt to increase its banking operations in Montgomery County. However, as the result of the consummation of this proposal, the prospect of Bank developing into a meaningful competitive force in Montgomery County would be eliminated and the prospects for increased competition in the area seriously diminished.

On the basis of the foregoing and all other facts in the record, the Board concludes that consummation of Applicant's proposal would have significantly adverse effects on potential competition in both Frederick County and Montgomery County, and unless such anticompetitive effects are outweighed by other consideration reflected in the record, the application should be denied.

The financial condition of Applicant and its subsidiary bank is regarded as satisfactory, their managements appear capable, and the prospects of each are considered favorable. The same conclusions apply generally with respect to the financial and managerial resources and prospects of Bank, whether as an independent bank or as a subsidiary of Applicant. These considerations, however, while favorable to the application, do not outweigh the adverse competitive effects of the proposal.

There is no evidence in the record that the banking needs of the public in Frederick County are not presently being met by the nine banking institutions operating therein. Applicant proposes to provide improved banking services, including lower finance charges on Bank's credit card, trust services, and mortgage lending services. While these improved services provide some weight for approval, the Board does not consider these considerations sufficient to outweigh the anticompetitive effects of the proposal described herein. Moreover, it appears that such benefits could be adequately provided by Applicant through an alternative means of entry into the Frederick County market. Finally, for the residents of Montgomery County, consummation of the proposal would have an adverse effect on convenience and needs in that it would remove an alternative source (Bank's branch) of banking services. Accordingly, the Board finds that the anticompetitive effects inherent in Applicant's proposal are not outweighed by the considerations relating to the convenience and needs of the communities to be served.

On the basis of all relevant facts in the record, the Board concludes that approval of the proposed acquisition is not in the public interest, and the application is denied for the reasons summarized above.

By order of the Board of Governors,[2] effective October 17, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-22917 Filed 10-26-73;8:45 am]

TENNESSEE VALLEY BANCORP, INC.

Acquisition of Bank

Tennessee Valley Bancorp, Inc., Nashville, Tennessee, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of Commerce Union Bank Chattanooga, Chattanooga, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 13, 1973.

Board of Governors of the Federal Reserve System, October 19, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-22915 Filed 10-26-73;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANELS

Notice of Meetings

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given of meetings of the following advisory panels of the National Science Foundation including the individuals to contact for further information respecting each panel.

The purpose of each of these advisory bodies is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

The agenda for each of these meetings will be devoted to the review and evaluation of specific proposals or projects.

[1] At the end of 1972, Applicant's subsidiary bank operated 45 banking offices and had approval for 13 additional branch locations.

[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governor Daane.

Advisory panel	Date	Time	Room number and location	Staff contact
Advisory Panel for Neurobiology.	November 5 and 6, 1973	9 a.m.	La Valencia Hotel, 1132 Prospect Street, La Jolla, Calif. 92037.	Dr. James H. Brown, Program Director, Neurobiology Program, Room 313, 1800 G Street NW., Washington, D.C. 20550.
Advisory Panel for Anthropology.	November 8 and 9, 1973	9 a.m.	Room 338, 1800 G Street NW., Washington, D.C. 20550.	Dr. Iwao Ishino, Program Director, Anthropology Program, Room 326, 1800 G Street NW., Washington, D.C. 20550.
Advisory Panel for Social Psychology.	do	8:30 a.m.	Room 511, 1800 G Street NW., Washington, D.C. 20550.	Ms. Nancy G. Allinson, Assistant Program Director, Social Psychology Program, Room 305, 1800 G Street NW., Washington, D.C. 20550.
Advisory Panel for Sociology.	do	9 a.m.	Room 642, 1800 G Street NW., Washington, D.C. 20550.	Mr. Garry W. Wallace, Assistant Program Director, Sociology Program, Room 305, 1800 G Street NW., Washington, D.C. 20550.
Advisory Panel for Genetic Biology.	do	9 a.m.	Room 517, 1800 G Street NW., Washington, D.C. 20550.	Dr. Herman W. Lewis, Section Head, Cellular Biology Section, Room 326, 1800 G Street NW., Washington, D.C. 20550.
Advisory Panel for History and Philosophy of Science.	November 9, 1973.	9:30 a.m.	Room 621, 1800 G Street NW., Washington, D.C. 20550.	Mr. Ronald Overmann, Assistant Program Director, History and Philosophy of Science Program, Room 305, 1800 G Street NW., Washington, D.C. 20550.
Advisory Panel for Political Science.	do	9 a.m.	Room 321, 1800 G Street NW., Washington, D.C. 20550.	Dr. George R. Boynton, Program Director, Political Science Program, Room 305, 1800 G Street NW., Washington, D.C. 20550.

These meetings are concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated January 15, 1973, pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act.

T. E. JENKINS,
Assistant Director for Administration.

OCTOBER 16, 1973.

[FR Doc.73-22884 Filed 10-26-73;4:15 pm]

POSTAL RATE COMMISSION

CERTAIN POSTAL FACILITIES

Notice of Visits

OCTOBER 23, 1973.

In furtherance of the Postal Rate Commission's training program noticed in the FEDERAL REGISTER on September 20, 1972 (37 FR 19404), employees of the Commission will be visiting the Rockville, Maryland post office and associated facilities on November 6, 1973.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed. A report on the visit will be on file in the Commission's docket room.

By Direction of the Commission.

JOSEPH A. FISHER,
Secretary.

[FR Doc.73-22909 Filed 10-26-73;8:45 am]

TARIFF COMMISSION

[AA1921-128]

PAPERMAKING MACHINERY AND PARTS FROM SWEDEN

Determination of No Injury or Likelihood Thereof

OCTOBER 24, 1973.

The Treasury Department advised the Tariff Commission on July 24, 1973, that papermaking machinery and parts thereof from Sweden are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 210(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921-128 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigation and of a hearing to be held in connection therewith was published in the FEDERAL REGISTER of July 25, 1973 (38 FR 19916-17). A public hearing was held September 18 and 19, 1973.

In arriving at its determination, the Commission gave due consideration to all written submission from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews and other sources.

On the basis of the investigation, the Commission has unanimously[1] determined that an industry in the United States is not being or is not likely to be injured, or is not prevented from being established, by reason of the importation of papermaking machinery and parts thereof from Sweden, that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS

The papermaking machines in question are not fungible or standardized products, but large and complex devices, weighing several hundred tons, extending for as much as 600 feet, and consisting of numerous major components incorporating thousands of intricate parts. These machines were specifically designed to meet the specifications and performance of the buyer and produced under contract.

Customs investigated one U.S. sale of two papermaking machines by the only manufacturer of such machines in Sweden, AB Karlstads Mekaniska Werkstad (KMW). These machines were sold under contract to the Weyerhaeuser Company for installation at that company's new mill at Valliant, Oklahoma. This sale is the only one that KMW has executed in selling entire papermaking machines in the United States.

Although KMW held the contract to supply both the papermaking machines for the mill, it did not produce or export all the components of either machine. By value, roughly one quarter of the parts and components were purchased in the United States. Some additional parts were purchased overseas from a subsidiary of a U.S. producer. The less than fair value margins[2] found by the Treasury Department in the sale of these machines amounted to several hundred thousand dollars on a contract valued in excess of ten million dollars. The elimination of the LTFV margins calculated by Treasury would not have resulted in a price advantage in favor of the lowest bidding domestic producer either on the larger machine independently, or on both machines as a package.

In our opinion, an industry in the United States is not being or is not likely to be injured, or is not prevented from being established by reason of the importation of papermaking machinery and parts thereof of the class or kind from Sweden determined by the Treasury Department to be sold, or likely to be sold at less than fair value within the meaning of the Antidumping Act.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-22956 Filed 10-26-73;8:45 am]

[1] Commissioners Leonard and Young did not participate in the decision.

[2] The term "margin" connotes the difference between the home market price (f.o.b. plant) and the price for which the imported product was sold (f.o.b. plant) to an arm's length buyer, or the equivalent, for export to the United States.

DEPARTMENT OF LABOR

Office of the Secretary

BGS SHOE CORP.

Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of July 16, 1973, the U.S. Tariff Commission made a report of the results of its investigation (TEA-W-193) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance on behalf of the workers and former workers of the BGS Shoe Corp. Manchester, N.H. In this report, the Commission, being equally divided, made no finding with respect to whether articles like or directly competitive with the dress and casual shoes and components thereof produced by the BGS Shoe Corp. are, as a result in major part of concessions granted under trade agreements,

being imported into the United States in such increased quantities as to cause, or threaten to cause unemployment or underemployment of a significant number of proportion of the workers of such firm, or an appropriate subdivision thereof. The President subsequently decided, under the authority of section 330 (d)(1) of the Tariff Act of 1930, as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission.

Upon receipt of the President's authorization, the Department, through the Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs instituted an investigation.

Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 FR 18342; 37 FR 2472; 38 FR 26031; 29 CFR Part 90). In the recommendation, she noted that concession-generated imports like or directly competitive with the women's dress and casual shoes produced by the BGS Corporation were increasing substantially during the period 1968–72 when BGS dress and casual shoes sales were falling. In the years 1968–71, BGS was able to offset this sales decline by expanding its production and sales of women's fashion boots. In 1972 women's footwear fashions shifted away from boots and BGS boot sales declined. At this time, the company made a concerted effort to expand dress and casual shoe sales by introducing new styles and improving production techniques. Although shoe sales increased in the latter half of 1972, competitive pressures due in major part to the increased imported footwear soon made continued shoe production unprofitable. As a result BGS closed its Trend 'Tec Division, which produced dress and casual shoe components, in February 1973 and its Bee Bee Shoe Co. Division, which produced dress and casual shoes, in March 1973. The Bee Bee Stitching Department of the Pittsfield Division, another BGS subdivision which performed some dress and casual shoe production functions, was closed in October 1972 but for reasons unrelated to the importation of women's dress and casual shoes. Import competition was the major factor causing a significant number of workers to become unemployed or underemployed beginning in December 1972 at the Trend 'Tec Division and in January 1973 at the Bee Bee Shoe Co. Division. When these layoffs were occurring, all workers at the Bee Bee Shoe Co. Division were involved in employment relating to the production of dress and casual shoes; all workers at the Trend 'Tec Division with the exception of workers in department 34 making zippers for protective footwear, were involved in employment relating to the production of dress and casual shoe components. After due consideration, I make the following certification.

All hourly and salaried employees of the BGS Shoe Corporation, Bee Bee Shoe Co. Division, Manchester, N.H., engaged in the production of women's dress and casual shoes, who became unemployed or underemployed after January 4, 1973, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

All hourly and salaried employees of the BGS Shoe Corporation, Trend 'Tec Division, Manchester, N.H. (except those employed in Department 34—zippers), engaged in the production of components for women's dress and casual shoes who became unemployed or underemployed after December 21, 1972, are eligible to apply for adjustment assistance under Title III, Chapter 3 of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 18th day of October 1973.

JOEL SEGALL,
Deputy Under Secretary for International Affairs.

[FR Doc.73-22944 Filed 10-26-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 370]

ASSIGNMENT OF HEARINGS

OCTOBER 24, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after October 29, 1973.

MC-123048 Sub 253, Diamond Transportation System, Inc., now assigned November 6, 1973, at Chicago, Ill., is canceled and the application is dismissed.

MC 99214 Sub 5, Patterson Truck Line, Inc., application dismissed.

MC 107839 Sub 149, Denver-Albuquerque Motor Transport, Inc., MC 113678 sub 477, Curtis, Inc., now assigned November 5, 1973, at Denver, Colo., is postponed to November 6, 1973, in Room B-230, New Custom House, 19th and Stout St., Denver, Colo.

W-1266, Marine Exploration Company, Inc., now assigned November 5, 1973 at Miami, Fla., will be held in Room 717 Federal Building, 51 Southwest First Avenue, Miami, Florida, instead of Room 208 Federal Building, 51 Southwest First Avenue.

MC-FC-35454, Middle and Western Farms Cooperative Association, Lessee, and B. J. McAdams, Inc., Lessor, MC-C-8077, Middle and Western Farms Cooperative Association, Northern Fruit Company Ritclo Produce, Inc., Jack T. Baillie McAdams, James D. Paul, Edward Farrington, James Wade, and William R. Crow, Jr.—Investigation of Operations and Practices—MC 134922 Sub 27, B. J. McAdams, Inc., Extension—Helen, Arkansas, now assigned January 14, 1974, will be held in Room 319 Post Office Building, 600 West Capitol Street, Little Rock, Arkansas.

MC 82841 Sub 118, Hunt Transportation, Inc., now assigned November 5, 1973, at Chicago, Ill., postponed to November 26, 1973 (1 week), at the Ambassador Hotel, State and Goethe Streets, Chicago, Illinois.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-22961 Filed 10-26-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 24, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49) CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42763—*Hominy Feed and Distillers Spent Grain Mash to Gulf Ports for Export.* Filed by Southwestern Freight Bureau, Agent (No. B-444), for interested rail carriers. Rates on hominy feed and distillers spent grain mash, in bulk, in covered hopper cars, as described in the application, from points in Arkansas, Colorado, Iowa, Kansas, Missouri (including East St. Louis, Ill.), Nebraska, Oklahoma, Texas and Wyoming, to Gulf Ports, Pensacola, Florida to Corpus Christi, Texas, for export.

Grounds for relief—Commodity relationship.

Tariffs—Supplement 61 to Texas-Louisiana Freight Bureau, Agent, tariff 61-I, I.C.C. No. 1137, and 8 other schedules named in the application. Rates are published to become effective on November 26, 1973.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-22959 Filed 10-26-73;8:45 am]

[Ex Parte No. 241; Exemption 53]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Exemption Under Mandatory Car Service Rules

OCTOBER 24, 1973.

It appearing, that there is an emergency movement of military supplies from Ft. Estill, Kentucky, to Leland, North Carolina; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections; and that compliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is au-

thorized to direct the movement to the Louisville and Nashville Railroad Company, the railroads designated by the Car Service Division are authorized to move to, and the Louisville and Nashville Railroad Company is authorized to accept, assemble, and load not to exceed 176 empty cars with military supplies from Ft. Estill, Kentucky, to Leland, North Carolina, regardless of the provisions of Car Service Rules 1(b), 2(c), 2(d), or 2(e).

Effective October 18, 1973.

Expires November 2, 1973.

Issued at Washington, D.C., October 18, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.73-22957 Filed 10-26-73;8:45 am]

[Notice 379]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 28, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74327. By order entered October 18, 1973, Division 3, acting as an Appellate Division, approved the transfer to Tillman Transfer, Inc., Omaha, Nebr., of the operating rights set forth in Certificate No. MC-70040, issued July 12, 1967, to Kay C. Schwedhelm, doing business as Schwedheld Freight, Pender, Nebr., authorizing the transportation of general commodities, with the usual exceptions, over specified routes, between Omaha, Nebr., and Sioux City, Iowa, serving specified intermediate and off-route points and between junction U.S. Highway 275 and 77, and Sioux City, Iowa, serving certain intermediate points, restricted against service between Omaha, Nebr., and Council Bluffs, Iowa, and points in their Commercial Zones, on the one hand, and, on the other, Sioux City, Iowa, and points in its commercial zone. Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102, and Earl H. Scudder, Jr., P.O. Box 82028, Lincoln, Nebr. 68501, attorneys for transferee and transferor, respectively.

No. MC-FC-74479. By order entered October 18, 1973, Division 3 approved the transfer to Tillman Transfer, Inc., Omaha, Nebraska, of the operating rights set forth in Certificate No. MC-120061 (Sub-No. 2), issued by the Commission August 27, 1964, to Delbert Braesch, doing business as Arlington-Hooper Transfer, Arlington, Nebraska, authorizing the transportation of general commodities with the usual exceptions, between Hooper, Nebr., and Omaha, Nebr., over specified routes, serving intermediate points. Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102, and Arthur C. Sidner, 403 First National Bank Bldg., Fremont, Nebr. 68025, attorneys for tranferee and transferor, respectively.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-22960 Filed 10-26-73;8:45 am]

[Notice 145]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 23, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 296 TA), filed October 15, 1973. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs, P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape juice*, in bulk, in tank vehicles, from DiGiorgio and Fresno, Calif., in interstate and foreign commerce, to Buffalo, N.Y., with final delivery Toronto, Canada, for 180 days. SUPPORTING SHIPPER: Bartolomeo Pio, Inc., 130 S. Easton Road, Glenside, Pa. 19038. SEND PROTESTS TO: John F. Mensing, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 8610 Federal Building, 515 Rusk Ave., Houston, Tex. 77002.

No. MC 50069 (Sub-No. 469 TA), filed October 12, 1973. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from Lawrenceville, Ill., to points in Tennessee, for 180 days. SUPPORTING SHIPPER: Texaco, Inc., 1111 Rusk Avenue, Houston, Tex. 77052. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 103993 (Sub-No. 779 TA), filed October 15, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular motel units*, from Mecklenburg, N.C., to Ocala, Fla., for 180 days. SUPPORTING SHIPPER: Modular Corp. of America, 501 Atando Ave., P.O. Box 2756, Charlotte, N.C. SEND PROTESTS TO: W. S. Ennis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 112822 (Sub-No. 294 TA), filed October 15, 1973. Applicant: BRAY LINES INCORPORATED, 1401 N. Little, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies and cakes*, from the plantsite and warehouse facilities of Mrs. Smith's Pie Company, at or near McMinnville and Portland, Oreg., to Phoenix, Ariz.; Pocatello and Boise, Idaho; Butte, Billings and Great Falls, Mont.; Salt Lake City, Utah and points in California, for 180 days. SUPPORTING SHIPPER: George Lawson, Gen. Mgr., Mrs. Smith's Pie Co., 2803 Orchard Ave., P.O. Box 89, McMinnville, Oreg. 97128. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240, Old Post Office Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 117119 (Sub-No. 48 TA), filed October 11, 1973. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O.

Box 188, Elm Springs, Ark. 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy* (chocolate Christmas), from West Reading and Wyomissing, Pa., to Denver, Colo., for 180 days. SUPPORTING SHIPPER: R. M. Palmer Co., 77 Second Avenue, West Reading, Pa. 19602. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118142 (Sub-No. 55 TA), filed October 15, 1973. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier's Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Bryan Brothers Packing Company, West Point, Miss., to Wichita, Kans., for 180 days. SUPPORTING SHIPPER: Cudahy Foods Co., 2300 North Broadway, Wichita, Kans. 67219. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 118202 (Sub-No. 21 TA), filed October 15, 1973. Applicant: SCHULTZ TRANSIT, INC., Post Office Box 406, 323 Bridge Street, Winona, Minn. 55987. Applicant's representative: Eugene A. Schultz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the plantsite and storage facilities utilized by Sunflower Beef Packers, Incorporated, at York, Nebr., to points in New York, Pennsylvania, New Jersey, Maryland, Ohio, Massachusetts, and Chicago, Ill., for 180 days. SUPPORTING SHIPPER: Sunflower Beef Packers, Incorporated, 14th and Division, York, Nebr. 68457. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 118202 (Sub-No. 22 TA), filed October 15, 1973. Applicant: SCHULTZ TRANSIT, INC., Post Office Box 406, 323 Bridge Street, Winona, Minn. 55987. Applicant's representative: Eugene A. Schultz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products* (except bulk commodities shipped in tank vehicles) from Clark, S. Dak., restricted to the plantsite and storage facilities utilized by Midwest Food Corporation, to points in Alabama, Arkansas, District of Columbia, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maryland, New York, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Texas, for 180 days. SUPPORTING SHIPPER: Midwest Food Corporation, P.O. Box 100, Clark, S. Dak. 57225. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 118831 (Sub-No. 108 TA), filed October 15, 1973. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5044 (Box zip 27261), Uwharrier Road, High Point, N.C. 27263. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry synthetic plastic resins*, in bulk, from the plantsite of Goodyear Chemical Co. at or near Scottsboro, Ala., to Port Rayon, Tenn., for 180 days. SUPPORTING SHIPPER: Beanunit Corporation, P.O. Box 12234, Research Triangle Park, N.C. 27709. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 119555 (Sub-No. 8 TA), filed October 12, 1973. Applicant: OIL AND INDUSTRY SUPPLIERS LTD., 640 12th Avenue SW., P.O. Box 3500, Calgary, Alberta, Canada. Applicant's representative: D. S. Vincent (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum additive oil treating compound*, in bulk, in tank type vehicles, from St. Louis, Mo., to port of entry on the Canada-United States international boundary at or near Port Huron, Mich., for 180 days. SUPPORTING SHIPPER: Petrolite Corp. of Canada Limited, 2210 Bromsgrove Rd., Clarkson, Ontario, Canada. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 120350 (Sub-No. 31 TA), filed October 12, 1973. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 410 North 10th Street, P.O. Box 212 (Box zip 59103), Billings, Mont. 59101. Applicant's representative: Clayton Brown (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* (except commodities in bulk, in tank vehicles) from White Sulphur Springs, Mont., to points in Colorado, for 180 days. SUPPORTING SHIPPER: Castle Mountain Corporation, P.O. Box J, White Sulphur Springs, Mont. 59645. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 120350 (Sub-No. 32 TA), filed October 12, 1973. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 410 North 10th Street, P.O. Box 212 (Box zip 59103), Billings, Mont. 59101. Applicant's representative: Clayton Brown (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* (except commodities in bulk, in tank vehicles) from Lewistown, Mont., to points in North Dakota, Minnesota, Wisconsin, and Michigan, for 180 days. SUPPORTING SHIPPER: Berg Post and Lumber Inc., Lewistown, Mont. 59457. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 120350 (Sub-No. 33 TA), filed October 12, 1973. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 410 North 10th Street, P.O. Box 212 (Box zip 59103), Billings, Mont. 59101. Applicant's representative: Clayton Brown (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal, plastic and cardboard containers*, from Chicago, Ill., and its commercial zone; La Porte, Ind.; Van Wert, Ohio; St. Paul, and Minneapolis, Minn., and the commercial zone thereof; and Sioux Falls, S. Dak., to Helena, Mont., for 180 days. SUPPORTING SHIPPER: Columbia Chemical Co., Inc., 1216 Bozeman Avenue, Helena, Mont. 59601. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 123075 (Sub-No. 24 TA), filed October 15, 1973. Applicant: SHUPE & YOST, INC., North U.S. 85 Bypass, P.O. Box 1123, Greeley, Colo. 80631. Applicant's representative: Stuart Poelman, 7th Floor, Continental Bank Building, Salt Lake City, Utah 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the plantsite of Great Salt Lake Mineral & Chemical Corporation located near Little Mountain, Utah, to points in Colorado, Kansas, those parts of Nebraska and South Dakota on the west of U.S. Highway 83, and Wyoming, with no transportation for compensation on return except as otherwise authorized, under a continuing contract with Carey Salt Company, Hutchinson, Kans., for 180 days. SUPPORTING SHIPPER: Carey Salt Division of Interpace Corporation, P.O. Box 1728, Hutchinson, Kans. 67501. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Interstate Commerce Commission,

Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 124144 (Sub-No. 7 TA), filed October 12, 1973. Applicant: ROBERT N. TOOMEY, doing business as ROBERT N. TOOMEY TRUCKING CO., 1516 South George Street, York, Pa. 17403. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated plastic board*, from the plantsite of Alco Plastic Products Company at or near Oaks, Pa., to Los Angeles, Calif., for 180 days. SUPPORTING SHIPPER: Alco Plastic Products, Division of Alco Standard Corp., Brookville, Ind. 47102. SEND PROTESTS TO: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 126758 (Sub-No. 5 TA), filed October 12, 1973. Applicant: EUGENE J. GLOSIER AND LEROY F. SOMMER, doing business as GLOSIER SERVICE CO., P.O. Box 366, St. Charles, Mo. 63301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials and supplies* when shipped in the same vehicle, and *empty containers* on return, between St. Charles, Mo., and Memphis, Tenn., for 180 days. SUPPORTING SHIPPER: R. C. Fischer & Son Distributing Company, 1801 Harvester Road, P.O. Box 282, St. Charles, Mo. 63301. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, Mo. 63101.

No. MC 136916 (Sub-No. 8 TA), filed October 15, 1973. Applicant: LENAPE TRANSPORTATION CO., INC., P.O. Box 227, Lafayette, N.J. 07848. Applicant's representative: Bert Collins, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt mixtures*, from Milo, N.Y., to points in Morris, Sussex, Warren, Hunterdon, and Somerset Counties, N.Y., and Lycoming, Union, Lackawanna, Luzerne, Schuylkill, Fayette, Greene, Washington, and Westmoreland Counties, Pa., for 180 days. SUPPORTING SHIPPER: Morton Salt Co. (Division of Morton Norwich Products, Inc.), 939 North Delaware Avenue, Philadelphia, Pa. 19123. SEND PROTESTS TO: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 138635 (Sub-No. 8 TA), filed October 16, 1973. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 28052. Applicant's representative: John R. Sims, Jr., Suite 600, 1707 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fiber yarns*, from the plantsites of A. M. Smyre Mfg. Co., at Ranlo, N.C., to points in California, for 180 days. SUPPORTING SHIPPER: A. M. Smyre Mfg. Co., P.O. Box 639, Gastonia, N.C. 28052. SEND PROTESTS TO: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Room CC516, Charlotte, N.C. 28205.

No. MC 138743 (Sub-No. 3 TA), filed October 15, 1973. Applicant: SNOWBALL, LTD., P.O. Box 361, Morton, Ill. 61550. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, cement containing asbestos fiber, and accessories* necessary for the installation thereof, from the plantsite and storage facilities of Certain-Teed Products Corporation at Bellefontaine Neighbors and Riverview, Mo., to points in Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Tennessee, for 180 days. SUPPORTING SHIPPER: Thomas F. McGrath, General Traffic Manager, Certain-Teed Products Corporation, P.O. Box 860, Valley Forge, Pa. 19482. SEND PROTESTS TO: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 138858 (Sub-No. 1 TA), filed October 12, 1973. Applicant: CHARLES M. SHIRK, 205 East Main Street, Terre Hill, Pa. 17581. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products*, from the plantsite of Terre Hill Concrete Products, Inc., in Terre Hill, Pa., to points in New York, New Jersey, Maryland, West Virginia, the District of Columbia, Delaware, and Virginia, for 90 days. SUPPORTING SHIPPER: Terre Hill Concrete Products, Inc., P.O. Box 163, Terre Hill, Pa. 17581. SEND PROTESTS TO: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 139162 TA, filed October 12, 1973. Applicant: RHODES TRUCKING CORPORATION, 5317 Kentucky Avenue, South Charleston, W. Va. 25303. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, P.O. Box 426, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products*, from the plant and warehouse sites of the Cline Brick Company at or near Ashland and Princess, Ky., to Huntington, W. Va., and points in the Huntington, W. Va., Terminal Area; and Charleston, W. Va., and points in the Charleston, W. Va., Commercial Zone, for 180 days. SUPPORTING SHIPPER: Cline Brick Company, P.O. Box 1790, Ashland, Ky. 41101, Att.: Donald K. Cline, Vice President. SEND PROTESTS TO: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Bldg., 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 139059 (Sub-No. 1 TA), filed October 15, 1973. Applicant: EAST COAST TRANSPORTATION CO., INC., 3765 NW. 71st Street, Miami, Fla. 33147. Applicant's representative: Harry A. Payton, 19 West Flagler Street, Miami, Fla. 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, dangerous explosives, commodities requiring special equipment, household goods as defined in "Practices of Motor Common Carriers of Household Goods", 17 M.C.C. 467, and those commodities injurious or contaminating to other lading) between points in Dade, Broward, Palm Beach, and Monroe Counties, Fla., on traffic moving in interstate or foreign commerce, for 180 days. SUPPORTING SHIPPERS: Universal carloading & Distributing Co., 3400 NW. 62d St., Miami, Fla.; National Biscuit Company, 425 Park Avenue, New York, N.Y. 10022; Miami Valley Paper Shippers Association, 845 East Avenue, Hamilton, Ohio 45011; and Jeannette Glass Company, Bullitt Avenue, Jeanette, Pa. 15644. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Bureau of Operations, Interstate Commerce Commission, Palm Coast II Building, Suite 203, 5255 NW. 87th Avenue, Miami, Fla. 33160.

[SEAL] ROBERT L. OSWALD,
Secretary

[FR Doc.73-22953 Filed 10-26-73;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

ELECTROMAGNETIC RADIATION ADVISORY COUNCIL

Notice of Public Meeting

Notice is hereby given that the Electromagnetic Radiation Advisory Council will meet at 10:00 a.m. in Room 712, 1800 G Street NW., Washington, D.C., on Wednesday, October 31, 1973.

The principal agenda item will be a discussion on the Council's recently completed review of the multiagency program to assess the biological hazards of nonionizing electromagnetic radiation.

The meeting will be open to the public; any member of the public will be permitted to file a written statement with the Council, before or after the meeting.

The names of the members of the Council, a copy of the agenda, a summary of the meeting, and other information pertaining to the meeting may be obtained from Ms. Janet Healer, Office of Telecommunications Policy, Washington, D.C. 20504 (telephone: 202-395-5623).

Dated: October 25, 1973.

BRYAN M. EAGLE,
Advisory Committee Management Officer.

[FR Doc.73-23097 Filed 10-26-73;8:45 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

MEAT PRODUCTS POINT SOURCE CATEGORY

Proposed Effluent Limitation Guidelines for Existing Sources and Standards for New Sources

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 432]

MEAT PRODUCTS POINT SOURCE CATEGORY

Proposed Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources

Notice is hereby given that effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA) for the simple slaughterhouse subcategory (Subpart A), the complex slaughterhouse subcategory (Subpart B), the low-processing packinghouse subcategory (Subpart C), and the high-processing packinghouse subcategory (Subpart D), of the meat products category of point sources pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317 (c); 86 Stat. 816 et seq.; P.L. 92-500) (the "Act").

(a) *Legal authority.*—(1) *Existing point sources.* Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methols and other alternatives. The regulations proposed herein set forth effluent limitations guidelines, pursuant to section 304(b) of the Act, for the simple slaughterhouse subcategory (Subpart A), the complex slaughterhouse subcategory (Subpart B), the low-processing packinghouse subcategory (Subpart C), and the high-processing packinghouse subcategory (Subpart D), of the meat products category of point sources.

(2) *New sources.* Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstration control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973 (38 FR 1624), a list of 27 source categories, including the meat products point source category. Regulations proposed herein set forth the standards of performance applicable to new sources for the simple slaughterhouse subcategory (Subpart A), the complex slaughterhouse subcategory (Subpart B), the low-processing packinghouse subcategory (Subpart C), and the high-processing packinghouse subcategory (Subpart D) of the meat products source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 412.15 and 512.25 proposed below provide pretreatment standards for new sources for the simple slaughterhouse subcategory (Subpart A), the complex slaughterhouse subcategory (Subpart B), the low-processing packinghouse subcategory (Subpart C), and the high-processing packinghouse subcategory (Subpart D) of the meat products point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under Section 306 of the Act. The Development Document referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(b) *Summary and basis of proposed effluent limitations guidances for existing sources and standards of performance and pretreatment standards for new sources.*—(1) *General methodology.* The ards of performance proposed herein effluent limitations guidelines and standwere developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents, and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of: (1) The source, flow and volume of water used in the process employed and the sources of waste and waste waters in the operation and (2) the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations guidelines and standards of performance were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the non-waste water quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation was identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standards proposed for existing sources under Part 128 of 40 CFR. The bases for such standards are set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navi-

gable waters, except for § 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, §§ 432.15, 432.25 and 432.45 below amend § 128.133 to require application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) *Summary of conclusions with respect to the simple slaughterhouse subcategory (Subpart A), the complex slaughterhouse subcategory (Subpart B), the low-processing packinghouse subcategory (Subpart C) and the high-processing packinghouse subcategory (Subpart D) the meat products source category.* These regulations cover the red meat slaughtering and packing operation segments of the meat products industry. Such operations encompass the processes of slaughtering, on-site rendering of various byproducts, processing red meats into final products (e.g., hams, sausage, market cuts, etc.) and some specialized hide, blood or viscera processing. For the purposes of studying waste treatment and effluent limitations, the red meats products industry was segmented into four subcategories based primarily upon differences in levels of organic waste load, and manufacturing processes employed as in the Development Document for the meat products category. The subcategories are: (1) Simple slaughterhouses (Subpart A), (2) complex slaughterhouse (Subpart B), (3) low-processing packinghouse (Subpart C), (4) high-processing packinghouse (Subpart D). In this summary, "simple" is differentiable from "complex" in that simple slaughterhouses accomplish very little if any on-site rendering or byproduct processing in addition to slaughtering; complex slaughterhouses carry out extensive rendering and byproduct processing (of blood, hides, and viscera) in addition to slaughtering. Low-processing may be distinguished from high-processing in packinghouses in that the former encompasses processing of no more carcasses than are slaughtered at the site; the latter processes carcasses or parts of carcasses from outside sources in addition to those slaughtered at the site.

Additional factors considered in deriving this subcategorization were waste treatability, raw materials, size, age, location of facilities, and final products each of which further substantiated the chosen subcategories.

Principal pollutants contained in the raw waste water from all subcategories are biochemical oxygen demand, dissolved solids, suspended solids, nitrogen, nitrates and ammonia, grease, phosphorus, and bacteria.

Waste water flows from the red meat products industry originate with in-process washing, spillage and flushing during a given operating shift and with complete washdown following each shift or daily operation. Methods available for minimizing waste discharges from a plant include maximum use of dry clean-up procedures before washdown, collection of blood and viscera for subsequent byproduct use, and general good housekeeping procedures.

Specific concepts used to treat those wastes which are discharged include both product recovery systems such as blood collection and grease recovery and end-of-process biological treatment. The end-of-process methods now employed range from simple anaerobic—aerobic lagoons to rather refined activated sludge systems followed by clarification and chlorination. For the most part, all wastes are amenable to this type of treatment and very simplified similar concepts (e.g., septic tank with drain field or holding basin) will work for the smallest operations. Refinements in in-plant controls and specialized treatment were also investigated. Segregation and separate treatment of brines or cure solutions, reduction in water use in washing procedures and land utilization or reuse of final treated effluents are viable future concepts.

A significant portion of the industry has already instituted some of the above waste management alternatives, particularly biological treatment and product recovery, which aid in pollution control. Incremental costs to the industry to improve current system or install new systems by 1977 are estimated to be between $50 million and $70 million or an increase in capital investment of about 3.0 percent. Industry-wide impact of pollution control upon ultimate product price is estimated to be small and of far less significance than changes in raw materials (animal) prices. Costs to the industry to meet 1983 requirements are estimated at $107 million additional or a further increase of 6.0 percent on capital investment.

Ancillary impacts of the pollution control systems were analyzed and found to be of little consequence. Energy requirements of the industry are relatively low; power required to operate the more refined mechanically aerated biological systems will increase consumption about 10.0 percent for large plants and about 40 percent for small plants. However, the vast majority of small plants will not require a high degree of mechanization to accomplish efficient treatment. Solid wastes from treatment sludges and some odor from treatment systems are encountered but no substantial impact can be identified.

It is concluded that the effluent limitations representing the degree of effluent reduction attainable through the application of best practicable control technology currently available are those for well operated biological treatment systems. For example, the limitation of five day biochemical oxygen demand BOD5 ranges between 0.08 kg/kkg liveweight killed for simple slaughterhouses to 0.24 kg/kkg liveweight killed for high-processing packinghouses. For any subcategory, allowances are made for any special instances such as unusually high volumes of hide processing where an upward adjustment in the limitation on BOD5 of 0.02 kg/kkg liveweight killed equivalent may be made. Limits are also established for suspended solids, grease, pH and fecal coliforms.

Limitations for the degree of effluent reduction attainable through the application of best available technology economically achievable are more stringent. The limitation on BOD5, for example is 0.03 kg/kkg liveweight killed for simple slaughterhouses and 0.09 kg/kkg liveweight killed for high-processing packinghouses. Again, adjustments can be made for unusual processing loads generated by high volumes of materials from outside sources. Limits are also provided for the other pollutants noted above and possible land utilization or reuse of these effluents is explicit in this technology.

Standards of performance for new sources are based upon the limitations imposed by the best practicable control technology currently available with the added requirement for limiitng nutrients including ammonia, nitrates and phosphorus and with explicit consideration given to instituting best available technology where possible.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the RED MEAT PROCESSING Segment of the Meat Products Point Source Category" details the analysis undertaken in support of the regulations being proposed herein and is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulations is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulations, or who have placed themselves on a mailing list for this purpose (see EPA'S Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

(c) *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of the effluent limitations guidelines and standards of performance for the meat products industry. The draft report on meat products referred to above, includes as a supplement, a detailed description of consultations and other participation by the public which has taken place and the nature and disposition of the comments received. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Ter-

ritory Pollution Control Agencies; (3) American Meat Institute; (4) National Independent Meat Packers Association; (5) Western States Meat Packers Association; (6) American Society of Mechanical Engineers; (7) American Society of Civil Engineers; (8) Hudson River Sloop Restoration, Inc.; (9) The Conservation Foundation, Environmental Defense Fund, Inc., (10) National Wildlife Federation; (11) National Resources Defense Council; (12) Council on Agricultural Science and Technology; (13) Water Pollution Control Federation; (14) The Department of Agriculture; (15) Department of Commerce; (16) Department of Health, Education, and Welfare; (17) Department of the Interior; and (18) Water Resources Council.

The following organizations responded with comments: American Meat Institute; Water Pollution Control Federation; American Society of Civil Engineers; Natural Resources Defense Council, Inc.; State of Wisconsin; State of Illinois; Delaware River Basin Commission; State of Florida; State of Arizona; State of Texas; State of Michigan; State of South Dakota; State of North Carolina; Esmark, Inc.; State of Maine; State of Colorado; State of Nebraska; State of New York; Department of Commerce; Department of Agriculture; Department of Health, Education, and Welfare; and Effluent Standards and Water Quality Information Advisory committee.

The primary issue raised in the development of these proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein is as follows:

(1) Some comments were to the effect that the limitations were too stringent and not substantiated by data used in the study. As explained in the Development Document, the applicable limitations are being met by plants in all subcategories and established alternative inplant control and waste treatment procedures are readily available for application by the industry.

(2) The criticism was made that control of nutrients including ammonia, nitrates and phosphorus is beyond the scope of best practicable control technology currently available for the meat products industry. Available information indicates that some treatment and control measures now used by the industry will abate nitrogen (ammonia, nitrates) in effluents but the abatement is apparently incidental to removal of biodegradable pollutants and not reliably achieved. Moreover, phosphorus is not normally removed by the biological treatment systems now employed. However, nutrient control by activated sludge treatment, nitrification-denitrification processes, and chemical precipitation of phosphorus have been demonstrated on subsantially organic waste loads with a reasonable degree of success. Accordingly, control of these pollutants is stipulated for new sources as part of requirements for using best available demonstrated technology, but is not required or part of best practicable control technology currently available.

(3) During the formulation of these proposed guidelines, commentors raised the following questions: (i) Is the proposed subcategorization adequate in view of variations in unit costs in small plants as compared with large plants, and the possible effect of temperature on biological treatment efficiency?; (ii) are the lagoon systems used as the basis for "best practicable control technology" capable of meeting the proposed suspended solids limitations on a sustained basis?; (iii) is the control of nitrates and phosphorous really necessary, considering the quantity of nitrates and phosphorous from meat packing plants?; (iv) is it economically achievable to provide the control technology required to achieve the proposed limitations for nitrates and phosphorous in new source standards and best available control technology standards?; (v) is the inclusion of a requirement for disinfection necessary in national guidelines and standards?; and (vi) do the incremental effluent control costs, range of costs and level of costs developed in the Development Document accurately portray, for all sizes of plants, the actual cost of such controls?

Information with appropriate supportive technical and economic background data on these issues is specifically requested.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman, Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the agency in establishing an effluent limitation guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306, and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before November 28, 1973, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated October 19, 1973.

JOHN QUARLES,
Acting Administrator.

PART 432—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE MEAT PRODUCTS POINT SOURCE CATEGORY

Subpart A—Simple Slaughterhouse Subcategory

Sec.
- 432.10 Applicability; description of the simple slaughterhouse subcategory.
- 432.11 Specialized definitions.
- 432.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 432.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 432.14 Standards of performance for new sources.
- 432.15 Pretreatment standards for new sources.

Subpart B—Complex Slaughterhouse Subcategory

- 432.20 Applicability; description of the complex slaughterhouse subcategory.
- 432.21 Specialized definitions.
- 432.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
- 432.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
- 432.24 Standards of performance for new sources.
- 432.25 Pretreatment standards for new sources.

Subpart C—Low-Processing Packinghouse Subcategory

- 432.30 Applicability; description of the low-processing packinghouse subcategory.
- 432.31 Specialized definitions.
- 432.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
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- 432.34 Standards of performance for new sources.
- 432.35 Pretreatment standards for new sources.

Subpart D—High Processing Packinghouse Subcategory

- 432.40 Applicability; description of the high processing packinghouse subcategory.
- 432.41 Specialized definitions.
- 432.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Sec.

Subpart A—Simple Slaughterhouse Subcategory

§ 432.10 Applicability; description of the simple slaughterhouse subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of red meat carcasses in whole or part for the subcategory, simple slaughterhouse which accomplishes very limited byproduct processing.

§ 432.11 Specialized definitions.

For the purposes of this subpart:

(a) the term "slaughterhouse" shall mean a plant that slaughters animals and has as its main product fresh meat, usually carcasses broken down no smaller than quarters.

(b) the term "simple slaughterhouse" shall mean a slaughterhouse which accomplishes very limited byproduct processing, if any, usually no more than two of such operations as rendering, paunch and viscera handling, blood processing, hide processing, or hair processing.

(c) the term "LWK" (live weight killed) shall mean the number of animals slaughtered during the time for which the limitations apply, e.g., during any day or thirty consecutive day period.

(d) the term "ELWK" (equivalent live weight killed) shall mean the number of animals killed which is represented by additional hides, blood, viscera or renderable materials being handled at a given plant over and above the amount of slaughtered at the site.

(e) the following abbreviations shall have the following meanings: The term "BOD5" shall mean biochemical oxygen demand measured at five day incubation period; the term "TSS" shall mean total suspended non-filterable solids; the term "kg" shall mean kilograms; the term "kkg" shall mean 1000 kilogram; the term "lb" shall mean pound.

§ 432.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) the following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged by all plants in this subcategory for on-site slaughter and subsequent meat, meat product or byproduct production activities which derive from the on-site slaughter after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart.

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day, 0.13 kg/kkg LWK (0.13 lb/1,000 lb).
	Maximum average of daily values for any period of thirty consecutive days, 0.08 kg/kkg LWK (0.08 lb/1,000 lb).
TSS	Maximum for any one day, 0.30 kg/kkg LWK (0.30 lb/1,000 lb).
	Maximum average of daily values for any period of thirty consecutive days, 0.18 kg/kkg LWK (0.18 lb/1,000 lb).
Oil and grease.	Maximum at any time, 10 mg/l.
pH	Within the range of 6.0 to 9.0.
Fecal coliform.	Maximum at any time, 400 counts/100 ml.

(b) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.12(a) by all plants in this subcategory which process hides (deflesh, wash, cure) from other plants in addition to its own.

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day, 0.033 kg/kkg ELWK (0.033 lb/1,000 lb).
	Maximum average of daily values for any period of thirty consecutive days, 0.02 kg/kkg ELWK (0.02 lb/1,000 lb).
TSS	Maximum for any one day, 0.066 kg/kkg ELWK (0.066 lb/1,000 lb).
	Maximum average of daily values for any period of thirty consecutive days, 0.04 kg/kkg ELWK (0.04 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.12(a) by all plants in this subcategory which process blood from other plants in addition to its own.

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day, 0.033 kg/kkg ELWK (0.033 lb/1,000 lb).
	Maximum average of daily values for any period of thirty consecutive days, 0.02 kg/kkg ELWK (0.02 lb/1,000 lb).
TSS	Maximum for any one day, 0.066 kg/kkg ELWK (0.066 lb/1,000 lb).
	Maximum average of daily values for any period of thirty consecutive days, 0.04 kg/kkg ELWK (0.04 lb/1,000 lb).

(d) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.12(a) by all plants in this subcategory which employ wet or low-temperature rendering of material from other plants in addition to its own.

Effluent characteristic	*Effluent Limitation*
BOD5	Maximum for any one day, 0.05 kg/kkg ELWK (0.05 lb/1,000 lb)
	Maximum average of daily values for any period of thirty consecutive days, 0.03 kg/kkg ELWK (0.03 lb/1,000 lb).
TSS	Maximum for any one day, 0.10 kg/kkg ELWK (0.10 lb/1,000 lb).
	Maximum average of daily values for any period of thirty consecutive days, 0.06 kg/kkg ELWK (0.06 lb/1,000 lb).

(e) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.12(a) by all plants in this subcategory which employ dry rendering of material from other plants in addition to its own.

Effluent characteristic	*Effluent Limitation*
BOD5	Maximum for any one day, 0.017 kg/kkg ELWK (0.017 lb/1,000 lb).
	Maximum average of daily values for any period of thirty consecutive days, 0.01 kg/kkg EELWK (0.01 lb/1,000 lb).
TSS	Maximum for any one day, 0.033 kg/kkg ELWK (0.033 lb/1,000 lb).
	Maximum average of daily values for any period of thirty consecutive days, 0.02 kg/kkg ELWK (0.02 lb/1,000 lb).

§ 432.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged by all plants in this subcategory for on-site slaughter and subsequent meat, meat product or byproduct production activities which derive from the on-site slaughter after application of best available technology economically achievable by a point source subject to the provisions of this subpart.

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day, 0.05 kg/kkg LWK (0.05 lb/1,000 lb).
	Maximum average of daily values for any period of thirty consecutive days, 0.03 kg/kkg LWK (0.03 lb/1,000 lb).
TSS	Maximum for any one day, 0.083 kg/kkg LWK (0.083 lb/1,000 lb).
	Maximum average of daily values for any period of thirty days, 0.05 kg/kkg LWK (0.05 lb/1,000 lb).

Effluent characteristic	Effluent limitation
Ammonia	Maximum for any one day, 6.5 mg/l. Maximum average of daily values for any period of thirty consecutive days, 4.0 mg/l.
Oil and grease.	Maximum at any time, 10 mg./l.
pH	Within the range of 6.0 to 9.0.
Fecal coliform.	Maximum at any time, 400 counts/100 ml.

(b) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.13(a) by all plants in this subcategory which process blood from other plants in addition to its own.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.012 kg/kkg ELWK (0.012 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.007 kg/kkg ELWK.
TSS	Maximum for any one day, 0.022 kg/kkg ELWK (0.022 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.013 kg/kkg ELWK (0.013 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.13(a) by all plants in this subcategory which employ wet or low-temperature rendering of materials from other plants in addition to its own.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.017 kg/kkg ELWK (0.017 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.01 kg/kkg ELWK (0.01 lb/1,000 lb).
TSS	Maximum for any one day, 0.033 kg/kkg ELWK (0.033 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.02 kg/kkg ELWK (0.02 lb/1,000 lb).

(d) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.13(a) by all plants in this subcategory which employ dry rendering of materials from other plants in addition to its own.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.005 kg/kkg ELWK (0.005 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.003 kg/kkg ELWK (0.003 lb/1,000 lb).
TSS	Maximum for any one day, 0.012 kg/kkg ELWK (0.012 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.007 kg/kkg ELWK (0.007 lb/1,000 lb).

§ 432.14 Standards of performance for new sources.

(a) The standards of performance representing the degree of effluent reduction attainable by the application of best available demonstrated control technology, processes, operating methods, or other alternatives conform to the limitations derived from best practicable control technology currently available are given in § 432.12(a) through (e), except for the additional pollutants of which quantities may be discharged as shown below.

Effluent characteristic	Effluent limitation
Nitrates	Maximum for any one day, 8.3 mg/l. Maximum average of daily values for any period of thirty consecutive days, 5.0 mg/l.
Phosphorus	Maximum for any one day, 0.05 kg/kkg LWK (0.05 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.03 kg/kkg LWK (0.03 lb/1,000 lb).
Ammonia	Maximum for any one day, 0.28 kg/kkg LWK (0.28 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.17 kg/kkg LWK (0.17 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.14(a) by all plants in this subcategory which process blood from other plants in addition to its own.

Effluent characteristic	Effluent limitation
Ammonia	Maximum for any one day, 0.05 kg/kkg ELWK (0.05 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.03 kg/kkg ELWK (0.03 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.14(a) by all plants in this subcategory which employ wet or low-temperature rendering of material from other plants in addition to its own.

Effluent characteristic	Effluent limitation
Ammonia	Maximum for any one day, 0.083 kg/kkg ELWK (0.083 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.05 kg/kkg ELWK (0.05 lb/1,000 lb).

(d) The following limitations constitute the quantity or quality or pollutant parameters which may be discharged in addition to the discharge allowed in § 432.14(a) by all plants in this subcategory which employ dry rendering of material from other plants in addition to its own.

Effluent characteristic	Effluent limitation
Ammonia	Maximum for any one day, 0.033 kg/kkg ELWK (0.033 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.02 kg/kkg ELWK (0.02 lb/1,000 lb).

§ 432.15 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the subcategories covered in this subpart which are industrial users of a publicly owned treatment works, (and which would be new sources subject to section 306 of the Act, if they were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128, 40 CFR, except that for the purposes of this section, § 128.133, 40 CFR, shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 432.14, 40 CFR, Part 432 provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart B—Complex Slaughterhouse Subcategory

§ 432.20 Applicability; description of the complex slaughterhouse subcategory.

The provisions of this part are applicable to discharges resulting from the production of red meat carcasses in whole or part for the subcategory, complex slaughterhouse which accomplishes extensive byproduct processing.

§ 432.21 Specialized definitions.

For the purposes of this subpart:

(a) The term "slaughterhouse" shall mean a plant that slaughters animals and has as its main product fresh meat, usually carcasses broken down no smaller than quarters.

(b) The term "complex slaughterhouse" shall mean a slaughterhouse that accomplishes extensive byproduct processing, usually at least three of such operations as rendering, paunch and viscera handling, blood processing, hide processing, or hair processing.

(c) The term "LWK" (live weight killed) shall mean the number of animals slaughtered during the time for which the limitations apply, e.g., dur-

ing any day or thirty consecutive day period.

(d) The term "ELWK" (equivalent live weight killed) shall mean the number of animals killed which is represented by additional hides, blood, viscera or renderable materials being handled at a given plant over and above the amount of slaughter at the site.

(e) The following abbreviations shall have the following meanings: The term "BOD5" shall mean biochemical oxygen demand measured at five day incubation period; the term "TSS" shall mean total suspended non-filterable solids; the term "kg" shall mean kilograms; the term "kkg" shall mean 1000 kilogram; the term "lb" shall mean pound.

§ 432.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged by all plants in this subcategory for on-site slaughter and subsequent meat, meat product or byproduct production activities which derive from the on-site slaughter after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart.

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day, 0.28 kg/kkg LWK (0.28 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.17 kg/kkg LWK (0.17 lb/1,000 lb).
TSS	Maximum for any one day, 0.36 kg/kkg LWK (0.36 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.22 kg/kkg LWK (0.22 lb/1,000 lb).
Oil and grease.	Maximum at any time, 10 mg/l.
pH	Within the range of 6.0 to 9.0.
Fecal coliform.	Maximum at any time, 400 counts/100 ml.

(b) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.22(a) by all plants in this subcategory which process hides (wash, deflesh, cure) from other plants in addition to its own.

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day, 0.033 kg/kkg ELWK (0.033 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.02 kg/kkg ELWK (0.02 lb/1,000 lb).
TSS	Maximum for any one day, 0.066 kg/kkg ELWK (0.066 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.04 kg/kkg ELWK (0.04 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharged allowed in § 432.22(a) by all plants in this subcategory which process blood from other plants in addition to its own.

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day, 0.033 kg/kkg ELWK (0.033 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.02 kg/kkg ELWK (0.02 lb/1,000 lb).
TSS	Maximum for any one day, 0.066 kg/kkg ELWK (0.066 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.04 kg/kkg ELWK (0.04 lb/1,000 lb).

(d) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.22(a) by all plants in this subcategory which employ wet or low-temperature rendering of material from other plants in addition to its own.

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day, 0.05 kg/kkg ELWK (0.05 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.03 kg/kkg ELWK (0.03 lb/1,000 lb).
TSS	Maximum for any one day, 0.10 kg/kkg ELWK (0.10 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.06 kg/kkg ELWK (0.06 lb/1,000 lb).

(e) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.22(a) by all plants in this subcategory which employ dry rendering of material from other plants in addition to its own.

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day, 0.17 kg/kkg ELWK (0.017 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.01 kg/kkg ELWK, (0.01 lb/1,000 lb).
TSS	Maximum for any one day, 0.033 kg/kkg ELWK (0.033 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.02 kg/kkg ELWK (0.02 lb/1,000 lb).

§ 432.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged by all plants in this subcategory for on-site slaughter and subsequent meat, meat product or by-product production activities which derive from the on-site slaughter after application of best available technology economically achievable by a point source subject to the provisions of this subpart.

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day, 0.065 kg/kkg LWK (0.065 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.04 kg/kkg LWK (0.04 lb/1,000 lb).
TSS	Maximum for any one day, 0.12 kg/kkg LWK (0.12 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.07 kg/kkg LWK (0.07 lb/1,000 lb).
Ammonia	Maximum for any one day, 6.5 mg/l. Maximum average of daily values for any period of thirty consecutive days, 4.0 mg/l.
Oil and grease.	Maximum at any time, 10 mg/l.
pH	Within the range of 6.0 to 9.0.
Fecal coliform.	Maximum at any time, 400 counts/100 ml.

(b) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.23(a) by all plants in this subcategory which process blood from other plants in addition to its own.

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day, 0.012 kg/kkg ELWK (0.012 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.007 kg/kkg ELWK (0.007 lb/1,000 lb).
TSS	Maximum for any one day, 0.022 kg/kkg ELWK (0.022 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.013 kg/kkg ELWK (0.013 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.23(a) by all plants in this subcategory which employ wet or low-temperature rendering of materials from other plants in addition to its own.

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day, 0.017 kg/kkg ELWK (0.017 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.01 kg/kkg ELWK (0.01 lb/1,000 lb).
TSS	Maximum for any one day, 0.033 kg/kkg ELWK (0.033 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.02 kg/kkg ELWK (0.02 lb/1,000 lb).

(d) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.23(a) by all plants in this subcategory which employ dry rendering of materials from other plants in addition to its own.

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day, 0.005 kg/kkg ELWK (0.005 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.003 kg/kkg ELWK (0.003 lb/1,000 lb).
TSS	Maximum for any one day, 0.012 kg/kkg ELWK (0.012 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.007 kg/kkg ELWK (0.007 lb/1,000 lb).

§ 432.24 Standards of performance for new sources.

(a) The standards of performance representing the degree of effluent reduction attainable by the application of best available demonstrated control technology, processes, operating methods, or other alternatives conform to the limitations derived from best practicable control technology currently available and are given in § 432.22 (a) through (e) except for the additional pollutants of which quantities may be discharged as specified below.

Effluent characteristic	*Effluent limitation*
Nitrates	Maximum for any one day, 8.3 mg/l. Maximum average of daily values for any period of thirty consecutive days, 5.0 mg/l.
Phosphorus	Maximum for any one day, 0.12 kg/kkg LWK (0.12 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.07 kg/kkg LWK (0.07 lb/1,000 lb).
Ammonia	Maximum for any one day, 0.40 kg/kkg LWK (0.40 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.24 kg/kkg LWK (0.24 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.24(a) by all plants in this subcategory which process blood from other plants in addition to its own.

Effluent characteristic	*Effluent limitation*
Ammonia	Maximum for any one day, 0.05 kg/kkg ELWK (0.05 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.03 kg/kkg ELWK (0.03 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.24(a) by all plants in this subcategory which employ wet or low-temperature rendering of material from other plants in addition to its own.

Effluent characteristic	*Effluent limitation*
Ammonia	Maximum for any one day, 0.083 kg/kkg ELWK (0.083 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.05 kg/kkg ELWK (0.05 lb/1,000 lb).

(d) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.24(a) by all plants in this subcategory which employ dry rendering of material from other plants in addition to its own.

Effluent characteristic	*Effluent limitation*
Ammonia	Maximum for any one day, 0.033 kg/kkg ELWK (0.033 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.02 kg/kkg ELWK (0.02 lb/1,000 lb).

§ 432.25 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the subcategories covered in this subpart which are industrial users of a publicly owned treatment works, (and which would be new sources subject to section 306 of the Act, if they were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128, 40 CFR, except that for this purposes of this section, § 128.133, 40 CFR, shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 432.24, 40 CFR, Part 432 provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart C—Low-Processing Packinghouse Subcategory

§ 432.30 Applicability; description of the low-processing packinghouse subcategory.

The provisions of this part are applicable to discharges resulting from the production of red meat carcasses in whole or part for the subcategory, low-processing packinghouse which processes no more carcasses than are slaughtered at the site.

§ 432.31 Specialized definitions.

For the purposes of this subpart:

(a) The term "packinghouse" shall mean a plant that both slaughters animals and subsequently processes carcasses into cured, smoked, canned, or other prepared meat products.

(b) The term "low processing packinghouse" shall mean a packinghouse that processes no more than the total animals killed at that plant, normally processing less than the total kill.

(c) The term "LWK" (live weight killed) shall mean the number of animals slaughtered during the time for which the limitations apply, e.g., during any day or thirty consecutive day period.

(d) The term "ELWK" (equivalent live weight killed) shall mean the number of animals killed which is represented by additional hides, blood, viscera or renderable materials being handled at a given plant over and above the amount of slaughter at the site.

(e) The following abbreviations shall have the following meanings: The term "BOD5" shall mean biochemical oxygen demand measured at five day incubation period; the term "TSS" shall mean total suspended non-filterable solids; the term "kg" shall mean kilograms; the term "kkg" shall mean 1000 kilogram; the term "lb" shall mean pound.

§ 432.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged by all plants in this subcategory for on-site slaughter and subsquent meat, meat product or by-product production activities which derive from the on-site slaughter after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.20 kg/kkg LWK (0.20 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.12 kg/kkg LWK (0.12 lb/1,000 lb).
TSS	Maximum for any one day, 0.33 kg/kkg LWK (0.33 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.20 kg/kkg LWK (0.20 lb/1,000 lb).
Oil and grease.	Maximum at any time 10 mg/1.
pH	Within the range of 6.0 to 9.0.
Fecal coliform	Maximum at any time.

(b) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.32(a) by all plants in this subcategory which process hides (deflesh, wash, cure) from other plants in addition to its own.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.033 kg/kkg ELWK (0.033 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.02 kg/kkg ELWK (0.02 lb/1,000 lb).
TSS	Maximum for any one day, 0.066 kg/kkg ELWK (0.066 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.04 kg/kkg ELWK (0.04 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.32(a) by all plants in this subcategory which process blood from other plants in addition to its own.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.033 kg/kkg ELWK (0.033 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.02 kg/kkg ELWK (0.02 lb/1,000 lb).
TSS	Maximum for any one day, 0.066 kg/kkg ELWK (0.066 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.04 kg/kkg ELWK (0.04 lb/1,000 lb).

(d) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.32(a) by all plants in this subcategory which employ wet or low-temperature rendering of material from other plants in addition to its own.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.05 kg/kkg ELWK (0.05 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.03 kg/kkg ELWK (0.03 lb/1,000 lb).
TSS	Maximum for any one day, 0.10 kg/kkg ELWK (0.10 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.06 kg/kkg ELWK (0.06 lb/1,000 lb).

(e) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.32(a) by all plants in this subcategory which employ dry rendering of material from other plants in addition to its own.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.017 kg/kkg ELWK (0.017 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.01 kg/kkg ELWK (0.01 lb/1,000 lb).
TSS	Maximum for any one day, 0.033 kg/kkg ELWK (0.033 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.02 kg/kkg ELWK (0.02 lb/1,000 lb).

§ 432.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application by all plants in this subcategory for on-site slaughter and subsequent meat, meat product and by-product production activities which derive from the on-site slaughter after application of best available technology economically achievable by a point source subject to the provisions of this subpart.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.065 kg/kkg LWK (0.065 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.04 kg/kkg LWK (0.04 lb/1,000 lb).
TSS	Maximum for any one day, 0.10 kg/kkg LWK (0.10 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.06 kg/kkg LWK (0.06 lb/1,000 lb).
Ammonia	Maximum for any one day, 6.5 mg/1. Maximum average of daily values for any period of thirty consecutive days, 4.0 mg/1.
Oil and grease.	Maximum at any time 10 mg/1.
pH	Within the range of 6.0 to 9.0.
Fecal coliform.	Maximum at any time 400 counts/100 ml.

(b) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.33(a) by all plants in this subcategory which process blood from other plants in addition to its own.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.012 kg/kkg ELWK (0.012 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.007 kg/kkg ELWK (0.007 lb/1,000 lb).
TSS	Maximum for any one day, 0.022 kg/kkg ELWK (0.022 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.013 kg/kkg ELWK (0.013 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.33(a) by all plants in this subcategory which employ wet or low-temperature rendering of materials from other plants in addition to its own.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.017 kg/kkg ELWK (0.017 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.01 kg/kkg ELWK (0.01 lb/1,000 lb).
TSS	Maximum for any one day, 0.033 kg/kkg ELWK (0.033 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.02 kg/kkg ELWK (0.02 lb/1,000 lb).

(d) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.33(a) by all plants in this subcategory which employ dry rendering of materials from other plants in addition to its own.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.005 kg/kkg ELWK (0.005 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.003 kg/kkg ELWK (0.003 lb/1,000 lb).
TSS	Maximum for any one day, 0.012 kg/kkg ELWK (0.012 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.007 kg/kkg ELWK (0.007 lb/1,000 lb).

§ 432.34 Standards of performance for new sources.

(a) The standards of performance representing the degree of effluent reduction attainable by the application of best available demonstrated control technology, processes, operating methods, or other alternatives conform to the limitations derived from best practicable control technology currently available and are given in § 432.32(a) through (e) except for the additional pollutants of which quantities may be discharged as specified below:

Effluent characteristic	Effluent limitation
Nitrates	Maximum for any one day, 8.3 mg/l. Maximum average of daily values for any periods of thirty consecutive days, 5.0 mg/l.
Phosphorus	Maximum for any one day, 0.12 kg/kkg LWK (0.12 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.07 kg/kkg LWK (0.07 lb/1,000 lb).
Ammonia	Maximum for any one day, 0.40 kg/kkg LWK (0.40 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.24 kg/kkg LWK (0.24 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.34(a) by all plants in this subcategory which process blood from other plants in addition to its own.

Effluent characteristic	Effluent limitation
Ammonia	Maximum for any one day, 0.05 kg/kkg ELWK (0.05 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.03 kg/kkg ELWK (0.03 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.34(a) by all plants in this subcategory which employ wet or low-temperature rendering of material from other plants in addition to its own.

Effluent characteristic	Effluent limitation
Ammonia	Maximum for any one day, 0.083 kg/kkg ELWK (0.083 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.05 kg/kkg ELWK (0.05 lb/1,000 lb).

(d) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.34(a) by all plants in this subcategory which employ dry rendering of material from other plants in addition to its own.

Effluent characteristic	Effluent limitation
Ammonia	Maximum for any one day, 0.033 kg/kkg ELWK (0.033 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.02 kg/kkg ELWK (0.02 lb/1,000 lb).

§ 432.35 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the subcategories covered in this subpart which are industrial users of a publicly owned treatment works (and which would be new sources subject to section 306 of the Act, if they were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128, 40 CFR, except that for the purposes of this section, § 128.133, 40 CFR, shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 432.34, 40 CFR, Part 432 provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart D—High Processing Packinghouse Subcategory

§ 432.40 Applicability; description of the high-processing packinghouse subcategory.

The provisions of this part are applicable to discharges resulting from the production of red meat carcasses in whole or part for the subcategory, high-processing packinghouse which processes both animals slaughtered at the site and additional carcasses from outside sources.

§ 432.41 Specialized definitions.

For the purposes of this subpart:

(a) The term "packinghouse" shall mean a plant that both slaughters animals and subsequently processes carcasses into cured, smoked, canned or other prepared meat products.

(b) The term "high-processing packinghouse" shall mean a packinghouse which processes both the total of animals slaughtered at the site and additional carcasses from outside sources.

(c) The term "LWK" (live weight killed) shall mean the number of animals slaughtered during the time for which the limitations apply, e.g., during any day or thirty consecutive day period.

(d) The term "ELWK" equivalent live weight killed) shall mean the number of animals killed which is represented by additional hides, blood, viscera or renderable materials being handled at a given plant over and above the amount of slaughter at the site.

(e) The following abbreviations shall have the following meanings: The term "BOD5" shall mean biochemical oxygen demand measured at five day incubation period; the term "TSS" shall mean total suspended non-filterable solids; the term "kg" shall mean kilograms; the term "kkg" shall mean 1000 kilogram; the term "lb" shall mean pound.

§ 432.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged by all plants in this subcategory for on-site slaughter and subsequent meat, meat product or byproduct production activities which derive from the on-site slaughter after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.40 kg/kkg LWK (0.40 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.24 kg/kkg LWK (0.24 lb/1,000 lb).
TSS	Maximum for any one day, 0.51 kg/kkg LWK (0.51 lb/1,000 lb). Maximum for any one day, values for any period of thirty consecutive days, 0.31 kg/kkg LWK (0.31 lb/1,000 lb).
Oil and grease.	Maximum at any time 10 mg/1.
pH	Within the range of 6.0 to 9.0.
Fecal coliform.	Maximum at any time, 400 counts/100 ml.

(b) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.42(a) by all plants in this subcategory which process hides (deflesh, wash, cure) from other plants in addition to its own.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.033 kg/kkg ELWK (0.033 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.02 kg/kkg ELWK (0.02 lb/1,000 lb).
TSS	Maximum for any one day, 0.066 kg/kkg ELWK (0.066 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.04 kg/kkg ELWK (0.04 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.42(a) by all plants in this subcategory which process blood from other plants in addition to its own.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.033 kg/kkg ELWK (0.033 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.02 kg/kkg ELWK (0.02 lb/1,000 lb).
TSS	Maximum for any one day, 0.066 kg/kkg ELWK (0.066 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.04 kg/kkg ELWK (0.04 lb/1,000 lb).

(d) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.42(a) by all plants in this subcategory which employ wet or low-temperature rendering of material from other plants in addition to its own.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.05 kg/kkg ELWK (0.05 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.03 kg/kkg ELWK (0.03 lb/1,000 lb).
TSS	Maximum for any one day, 0.10 kg/kkg ELWK (0.10 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.06 kg/kkg ELWK (0.06 lb/1,000 lb).

(e) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.42(a) by all plants in this subcategory which employ dry rendering of material from other plants in addition to its own.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.017 kg/kkg ELWK (0.017 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.01 kg/kkg ELWK (0.01 lb/1,000 lb).
TSS	Maximum for any one day, 0.033 kg/kkg ELWK (0.033 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.02 kg/kkg ELWK (0.02 lb/1,000 lb).

§ 432.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged by all plants in this subcategory for on-site slaughter and subsequent meat, meat product or byproduct production activities which derive from the on-site slaughter after application of best available technology economically achievable by a point source subject to the provision of this subpart.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.13 kg/kkg LWK (0.13 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.08 kg/kkg LWK (0.08 lb/1,000 lb).
TSS	Maximum for any one day, 0.166 kg/kkg LWK (0.166 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.10 kg/kkg LWK (0.10 lb/1,000 lb).
Ammonia	Maximum for any one day, 6.5 mg/l. Maximum average of daily values for any period of thirty consecutive days, 4.0 mg/l.
Oil and grease.	Maximum at any time, 10 mg/l.
pH	Within the range of 6.0 to 9.0.
Fecal coliform.	Maximum at any time, 400 counts/100 ml.

(b) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.43(a) by all plants in this subcategory which process blood from other plants in addition to its own.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.012 kg/kkg ELWK (0.012 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.007 kg/kkg ELWK (0.007 lb/1,000 lb).
TSS	Maximum for any one day, 0.022 kg/kkg ELWK (0.022 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.013 kg/kkg ELWK (0.013 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.43(a) by all plants in this subcategory which employ wet or low-temperature rendering of materials from other plants in addition to its own.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.017 kg/kkg ELWK (0.017 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.01kg/kkg ELWK (0.01 lb/1,000 lb).
TSS	Maximum for any one day, 0.033 kg/kkg ELWK (0.033 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.02 kg/kkg ELWK (0.02 lb/1,000 lb).

(d) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.43(a) by all plants in this subcategory which employ dry rendering of materials from other plants in addition to its own.

Effluent characteristic	Effluent limitation
BOD5	Maximum for any one day, 0.005 kg/kkg ELWK (0.005 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.003 kg/kkg ELWK (0.003 lb/1,000 lb).
TSS	Maximum for any one day, 0.012 kg/kkg ELWK (0.012 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.007 kg/kkg ELWK (0.007 lb/1,000 lb).

§ 432.44 Standards of performance for new sources.

(a) The standards of performance representing the degree of effluent reduction attainable by the application of best available demonstrated control technology, processes, operating methods, or other alternatives conform to the limitations derived from best practicable control technology currently available are

given in § 432.42 (a) through (e), except for the additional pollutants of which quantities may be discharged as shown below.

Effluent characteristic	*Effluent limitation*
Nitrates	Maximum for any one day, 8.3 mg/l. Maximum average of daily values for any period of thirty consecutive days, 5.0 mg/l.
Phosphorus	Maximum for any one day, 0.18 kg/kkg LWK (0.18 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.11 kg/kkg LWK (0.11 lb/1,000 lb).
Ammonia	Maximum for any one day, 0.65 kg/kkg LWK (0.65 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.40 kg/kkg LWK (0.40 lb/1,000 lb).

(b) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.44(a) by all plants in this subcategory which process blood from other plants in addition to its own.

Effluent characteristic	*Effluent limitation*
Ammonia	Maximum for any one day, 0.05 kg/kkg ELWK (0.05 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.03 kg/kkg ELWK (0.03 lb/1,000 lb).

(c) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.44(a) by all plants in this subcategory which employ wet or low-temperature rendering of material from other plants in addition to its own.

Effluent characteristic	*Effluent limitation*
Ammonia	Maximum for any one day, 0.083 kg/kkg ELWK (0.083 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.05 kg/kkg ELWK (0.05 lb/1,000 lb).

(d) The following limitations constitute the quantity or quality of pollutant parameters which may be discharged in addition to the discharge allowed in § 432.44(a) by all plants in this subcategory which employ dry rendering of material from other plants in addition to its own.

Effluent characteristic	*Effluent limitation*
Ammonia	Maximum for any one day, 0.033 kg/kkg ELWK (0.033 lb/1,000 lb). Maximum average of daily values for any period of thirty consecutive days, 0.02 kg/kkg ELWK (0.02 lb/1,000 lb).

§ 432.45 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the subcategories covered in this subpart which are industrial users of a publicly owned treatment works (and which would be new sources subject to section 306 of the Act, if they were to discharge pollutants to navigable waters), shall be the standard set forth in Part 128, 40 CFR, except that for the purposes of this section, § 128.133, 40 CFR, shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 432.44, 40 CFR, Part 432 provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

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